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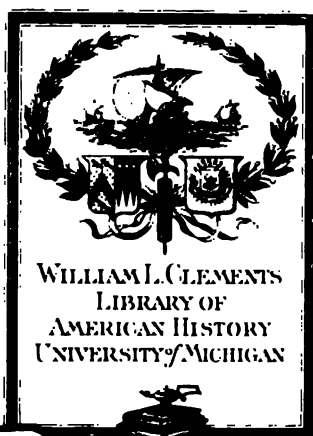
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# HISTORY

OF THE

## FEDERAL GOVERNMENT,

FOR

FIFTY YEARS :

FROM

MARCH 1789, TO MARCH, 1839.

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By ALDEN BRADFORD, LL. D.

Editor of Massachusetts State Papers : Author of History of Massachusetts ; of Remarks on State Rights ; an early Member of the Mass. Historical Society ; and Hon. Member of Historical Society of New York, Pennsylvania, and Georgia.

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"The unity of government, which constitutes you one people, is now dear to you. It is justly so : for it is a *main pillar* in the edifice of your real independence, the support of your tranquillity at home, of your peace abroad ; of your safety ; of your prosperity ; of that very liberty which you so highly value."—*Washington's Address.*

"The State governments are an essential part of the federal system. *Consolidation* is an effect which all good men would deprecate. Too much provision cannot be made against consolidation. It would subvert the new Constitution. The State governments are the safeguards of the federal Constitution : they will protract the period of our liberties. They will afford a shelter against the abuse of power ; and will be the natural avengers of our violated rights."—*Ames.*

"By enlarging the basis of our system, and increasing the number of States, the system itself has been strengthened. *Consolidation* and *disunion* have thereby been rendered equally impracticable. Each government, confiding in its own strength, has less to apprehend from the other ; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted."—*Monroe.*



BOSTON :

SAMUEL G. SIMPKINS.

FIRST OF JULY :

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By ALDEN BRADFORD,

In the Clerk's office of the District Court of Massachusetts.

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TO  
**WILLIAM HENRY HARRISON,**  
OF CINCINNATI,

STATE OF OHIO :

SIR :—My limited personal intercourse with you would not fully justify me, perhaps, in the liberty I assume, by this public address to you ; and by thus seeking, at least by implication, your patronage of a work intended for general circulation in all parts of the United States. And yet it has been my lot to witness your patriotic and honorable exertions, in the highest branch of the national councils, in favor as well of individuals, whose services, in the struggle for liberty and independence, so justly entitled them to the remuneration of the government, as of the welfare, honor, and prosperity of the nation. In the measure of a generous allowance to those worthy veterans, you took a conspicuous part, which neither they, nor their children, nor the country, can ever forget.

I perceive, in this act, your gratitude and sympathy towards those truly patriotic citizens ; and, in your retirement, after a brilliant career in public life, to the duties and labors of a private station, your approbation of their exemplary conduct, “in laying down in peace, arms taken up in defence of the republic and its liberties.”

But my respect and admiration for your character are

not confined to the consideration of any single act of your long life ; devoted, as it has been, from the days of your youth, to the public service, in various, responsible, trying, and honorable stations. And although the whole people are convinced of your bravery and heroism, on all occasions where the calls of patriotism and humanity were addressed to you, it is less from a regard for your military talents and services, than for your habitually benevolent and morally honorable conduct, that the wise and sober portion of your fellow-citizens, at present, unite in a voluntary tribute of gratitude and confidence in your political and civic virtues.

You were brave and resolute in war : But what is far higher praise, in the estimation of every true republican and every virtuous citizen, you have always manifested a paramount regard for the Constitution and the laws ; and have preserved a reputation for probity, sustained in situations where you had power to become rich, even without justly incurring the charge of gross speculation. Nor is there a solitary instance on record, of the exercise of mere arbitrary power, in your public conduct, when you had great discretionary authority, and were accountable only to your conscience and your God.

Such rare patriotism, and such singular integrity demand public respect and eulogy. It reminds one of the memorable days of the Revolution, when Washington and his gallant army long devoted themselves to the defence of civil liberty, from purely patriotic motives, and without just and adequate reward : and of the distinguished band of patriots in the councils of the country, at that critical period, of whom, it might be almost literally said, "that they declared for independence, and consulted for its establishment, with halters

#### DEDICATION.

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about their necks." In later times, such proofs of political integrity and zeal are *rare* indeed.

By a life chiefly devoted to the welfare of the republic, you have given assurance of ability and judgment, and of upright and disinterested views, fully adequate to the successful and honorable discharge of the duties of the highest station, in which the people can place you. And most of all, your reverence for the Constitution, as a guide for rulers as well as for the people, is an auspicious guaranty of your just and faithful exercise of power, to any extent which may be given you, with a single desire to secure the blessings of liberty, and to promote the best interests of the republic.

The world has so often witnessed the abuse of power in the hands of rulers, that men of experience have just cause for apprehension, from the arbitrary conduct of those who are clothed with great authority over their fellow-citizens. Julius Cæsar, Oliver Cromwell, and Napoleon Buonaparte, professed to be the friends of liberty and of the commonwealth : but in the moment of their elevation they became tyrannical ; and, intoxicated with power, they forgot their just responsibilities, and their duty to the people. So did not the patriotic and illustrious WASHINGTON. And, without intending to flatter you, I may say with truth, that there is a general belief that your aim and ambition have always been to merit the praise of being his disciple and follower in political life. Few men, indeed, whether military commanders, or civil magistrates, may be justly compared to that wonderful man ; but it is hoped that some who yet linger among us, are desirous of imitating his virtues, as well as of sharing in his fame.



With a recollection of your various eminent services to the republic, a persuasion of your sacred regard for the Constitution, and a conviction of your sincere and ardent patriotism, I need offer no apology for prefixing your name to the present work. But I would not make you responsible for the views I have given, and the sentiments I have expressed, in all respects, as to the past measures of the federal government. Wishing to flatter no man, and in some measure independent of any mere party in the Union, I hope, that, in the honest expression of my opinions, I shall share in your candor, if I do not meet your entire sanction and approbation.

With sentiments of great respect

and consideration,

I am, Sir, your

fellow-citizen,

ALDEN BRADFORD.

## ADVERTISEMENT.

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THE object of the present volume is to state the nature and to record the proceedings of the general government, which was established in 1789. Half a century has now elapsed, since that great political event occurred, in the history of the United States: and the rising generation may not be correctly and fully acquainted with its origin, with its design, or with the public measures, early adopted and pursued; which give to it its legitimate and distinctive character. In neither of these respects, however, does the writer pretend to give any new views; nor does he differ, he believes, from those already presented by eminent statesmen and civilians, who have written on the subject. But these are to be found only by searching numerous volumes; and as to a history of the federal government since it was established, nothing in a connected form has yet been given to the public. Such a narrative or view, is here attempted. But the purpose has been to do this in as concise a form as was consistent with a faithful and just statement. And it is believed, that it contains an account of all the important events which have occurred under the general government; so that the leading measures and conduct of each successive administration may be fairly exhibited, and the nature and the extent of the powers of that government may be fully perceived.

The work might have been greatly extended, by a more minute reference to every act and measure of the government, and to the particular circumstances therewith connected. Much might have been added, by way of illustration and comment; and various public documents might have been incorporated with it. The latter have already been published to a great extent, and may be found in most public libraries in every State. And they will remain as rich materials to one who may in future undertake a more elaborate history. All the prominent measures adopted, however, it is believed, will be found here noticed; and a sincere desire has not been wanted to give a correct and impartial statement.

Little indulgence has been allowed to a disposition for political speculation; for the writer did not feel it just to enlarge in the expression of his own political opinions; and yet he trusts he has not purposely concealed them; nor been

deterred, in any case, from praise or censure, as to individuals or measures, such as he believed warranted by the evident consequences to the public.

It is believed that the historian should confine himself, in a great measure, to a faithful narrative of events, instead of writing essays on different political theories; in which, if there should be no highly improper coloring given, the writer would at least substitute his own speculations for a just and impartial relation. A history may be faithfully written where there is little of the theory of the author:—but when it is prepared chiefly for the purpose of vindicating a party, it ceases to deserve the name, as it wants the attribute of impartiality. Many writers, both in politics and religion, have favored the world with publications, called history; and though they record many real facts and occurrences, they have often been mere apologies for the sect or party to which the writers belonged, rather than true histories.

It is certainly difficult to divest one's self of all biasses and prejudices of this sort. And therefore there is a strong reason against theorising at all; or in often intruding our own views on a party question. A statement of what has really occurred, and what specific measures have been adopted by an individual ruler, or the majority, should be fairly given. The candid will then judge correctly, from the circumstances and the results.

The writer of this volume would dare hope, that he has aimed to avoid these errors. And yet he could not speak in the same high terms of praise of some of the rulers in the republic, as of others. He could not confound political integrity with mere professions of patriotism; nor an honorable policy with successful intrigue. Trained up in the school of Washington and that of his sincere friends and co-patriots, he early learned to revere their characters, and to approve their political course; and in so far as others have repudiated their policy, or adopted wild theories and experiments in government, he cannot commend them; but he trusts a spirit of candor and impartiality has guided him in his researches for this volume, and that his statements are made in conformity to the public documents and records which still exist. His strongest desire for the continuance of the liberties of the people and of the welfare of the republic, reposes in a hope, ardently cherished, that our rulers may be imbued with the spirit of WASHINGTON, and that a sacred regard may be always manifested for the principles of the Constitution.

*Boston, July 1, 1840.*

# HISTORY

## OF THE

# FEDERAL GOVERNMENT.

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### CHAPTER I.

Formation of Federal Government. Power of Old Congress, under the Confederation. Design and Nature of the Federal Constitution. Extent of the Powers granted to the General Government. The Powers not delegated remain with the Separate States, which in most cases are still Sovereign. Address of President Washington. Of Mr. Adams, Vice President. Acts of First Session of Congress. Auspicious Effects of Federal Government. Power of the President in Appointments to Office. Second Session. Report of Secretary of Treasury on Finances and Revenue. Speech of President, December, 1789. Proceedings of Congress on the Report of Secretary, and on Subjects mentioned in Speech. Indian Tribes. Difference proposed between Original and Present Holders of Public Securities. Funding System. Military Peace Establishment. Slavery. Permanent Seat of Government. Distinguished Members of First Congress.

THE federal Constitution, prepared by a Convention of delegates, from twelve of the thirteen independent States of North America, in 1787,\* was adopted by the requisite majority of those States in 1788 †; and in April, 1789, ‡ the federal government, provided by that compact, was organ-

\* The State of Rhode Island did not send delegates to the Convention.

† Before August, 1789, ten States had adopted the new Constitution, being one more than the number required by that instrument, to have the government organized, viz: Delaware, Pennsylvania, New Jersey, in December, 1787; Georgia, and Connecticut, in January, 1788; Massachusetts, in February, 1788; Maryland, in April, 1788; South Carolina, in May; New Hampshire, New York, and Virginia, in June; North Carolina, in November, 1789; Rhode Island, May, 1790; Vermont, in January, 1791.—Six States accepted the Constitution without proposing any amendments, and seven States proposing amendments, most of which were afterwards adopted, and added to the original Constitution.

‡ A quorum was not formed till the first of April, though March had been proposed by the old Congress, when it announced the adoption of the Constitution by nine States.

ized, and commenced the exercise of high political powers. This convention was called, not by the people of the States directly, but by their representatives, or the legislatures of the States; but the Constitution, prepared by the Convention, was adopted by delegates chosen by the people in each State; and is justly to be considered the act and will of the majority of the people (in the States respectively) as declared in the preamble, "We, the people," &c. The amendments to the federal Constitution, proposed by the first Congress, in 1789, in conformity to recommendations of most of the State Conventions which adopted it, were also sanctioned by the State legislatures, and not by Conventions specially called for the purpose. And this was agreeable to the fifth section of the third article of the Constitution, which points out the mode of amendments: so that it appears Conventions of delegates of the people are not necessary in making additions to the original compact; but it may be by the legislatures of the States. The amendment, respecting the election of President and Vice President, afterwards adopted, was made in this manner. But the difference is not material between these two modes of adopting amendments; as in either case, it is the act of the people by their representatives.

Up to the year 1789, from the time of the declaration of Independence, in July, 1776, and indeed from the beginning of 1775, the several States had assumed and exercised sovereign authority within their respective territories, although a continental Congress had been held from September, 1774: and united council and action had happily prevailed during the war of the Revolution. But that Congress, composed also of delegates from the several States, and appointed by the legislatures thereof, did not possess authority to carry into full effect the measures which they considered proper and important, without the consent of the State legislatures. It could only devise and recommend; and the decision of the several States was essential to consummate the plans and requisitions of the grand council of the confederacy. The imbecility and defects of such a political body were often felt and acknowledged, during the war for Independence, from 1775 to 1783; and when the contest with England was over, the defect was in some respects even more apparent and more deplored. By foreign governments, the thirteen States were considered as one nation; and the welfare and prosperity of the whole, in a domestic view, rendered it equally necessary—also, that there should be a supervising and gen-

eral government, as to national objects and purposes. The debt incurred by the war was of great amount; and the credit and honor of the United States required its speedy payment. And, while the resources of the country were perceived to be fully adequate to its extinguishment, it was also evident, that so long as the States should act separately, there could be no just hope of accomplishing this most important object. Uniformity in measures through all the States, relating to foreign commerce and foreign intercourse, was found to be essential, as well for the reputation of the country with other nations, as for the present peace and future prosperity of the United States. Insurrection had already occurred in some of the States; and it was believed that the laws and measures of a single State had less authority and respect than those which should be adopted by a general government. In a word, there appeared to be no foundation for internal peace, for national prosperity, or for political respectability in the estimation of the civilized world, but in UNION. The most intelligent citizens, of undoubted patriotism and political knowledge and experience, in all the States, declared their conviction of the necessity of vesting greater power in Congress, as the only effectual remedy for existing evils, and for the prevention of future extensive national calamities.

Governor Bowdoin, of Massachusetts, expressed this opinion in two public addresses to the legislature, in 1785 and 1786; and near the close of the year last named, the General Assembly of Virginia adopted a resolution in favor of a continental Convention, for such a purpose.\*

The great object proposed to be attained, when the Convention was called, was uniform and united action of all the States, "for the general welfare, for common defence, and for the security of the blessings of liberty;" and for delegating sufficient political authority to Congress, to direct, control and enforce all measures for the benefit of the States collectively. And this object was kept in view by the Convention which prepared the Constitution, and recommended it to the several States for adoption. It was provided, that the federal or general government, to be formed under it, should have authority to enact and execute all laws of a general nature, and affecting the whole

\* The first step was a meeting at Annapolis, in Maryland, September, 1786; but only five States were represented in the Convention; and nothing was then done, but to recommend a Convention of delegates from all the States to be held at Philadelphia in the Spring of 1787.—And the Virginia Assembly soon after proposed the same measure.

country ; but did not give it power to legislate for the States on common local subjects, relating to their internal police.

The Convention was called "for the purpose of revising the articles of the Confederation, and for reporting to the several legislatures, such alterations and provisions therein, as should, when agreed to in Congress and confirmed by the States, render the federal compact adequate to the exigences of government and the preservation of the UNION."

There were different plans proposed in the Convention, as a remedy for the evils which existed, or were then apprehended. One was to grant full power to Congress, to regulate commerce, and to raise a revenue from imports to discharge the public debt ; and to have Congress one body as it had formerly been. But the majority of the members early discovered a preference for a complete general government. And the great question was, whether it should be strictly national, or federal. The former system, it was supposed, would nearly annihilate the State governments, while the latter would be adequate to the objects in view, would still reserve to the States a great portion of their separate authority, and would be most agreeable to a large majority of the people. And the frame of Government, finally prepared and adopted, was of a federal rather than of a national government : or, as Mr. Madison has said, "was partly national and partly federal."

The Constitution of the United States, from which the federal Government derives its powers, was framed by men deputed by the legislature or authority of the several States ; and, though it was submitted to the consideration of the people of the United States, and adopted by them through their delegates, its acceptance or ratification depended, not on the majority of the whole people in the aggregate, but on the majority of States. And it is evident there might have been a majority (or two-thirds) of the States in favor of the Constitution, without there being two-thirds of the whole people in all the States. The government, therefore, is a *federal*, rather than a national government, strictly speaking. Still, it is a *general* government ; it is the government of the United States. Nine States constituted the requisite majority : but if Virginia, Massachusetts, Pennsylvania, and North Carolina had been opposed to it, by a large majority in each, there would not have been two-thirds of the people for it. It was not a majority of the people, but of the States, then, which ratified the Constitution ; and so the instrument itself provided and required.

The apportionment of the Senate is proof also, that the

general government is *federal*, and not *strictly* national. Every State is equally represented in that body, without regard to its population. But this is utterly irreconcilable with the doctrine of those, who say the general government is a national one, in which the whole people are equally represented. Neither numbers nor property are represented in the Senate; but States. The provision or principle which operates in the choice of President, when there has been no choice by the Electors, shows also the federal character of the government. Each State has a vote—instead of taking all the votes of the representatives in the aggregate, as in all cases where the numerical majority govern. It may, however, be justly said with Mr. Madison, that the government of the United States is partly federal and partly national. And yet the *federal* features prevail, and give the true character of the compact.\*

The federal government was designed to be, and by a proper and natural construction of the Constitution, is, one of limited powers. Its jurisdiction or authority relate to certain specific objects, which are expressly enumerated. They are high and extensive powers; and with every intelligent man must be supposed to include the right to carry the specified powers into full effect. Any other construction would involve an absurdity. And yet the exercise of powers not expressly given, or clearly implied, would evidently be an unwarranted usurpation. In the exercise of powers fully given, Congress, or the federal government, is sovereign and uncontrollable by the States; much more so by a single State. But further and beyond such delegated power, it has not legitimate authority. All else remain with the States respectively, or with the people thereof. The man-

\* The Convention consisted of fifty members. Fifteen more were chosen, but did not attend. And several who attended did not put their names to the Constitution, as they disapproved of some parts of it: but after it was adopted, they generally gave it their decided support. Some members, who attended the Convention a great part of its session, and who approved of the Constitution, were absent, when the vote passed for its adoption. The members of the Convention were not in proportionate numbers to the population of the respective States: Delaware had five, Pennsylvania eight, New Jersey five, Massachusetts only four, Virginia seven, New York three, Connecticut three, Maryland five, South Carolina four, North Carolina four, New Hampshire two, Georgia two. The difficulty was at once perceived of framing a general government, so as to avoid collision with State authority, and to be free from the charge of being *imperium in imperio*. And it was designed to guard against this difficulty and this imputation by stating to what subjects the power of the federal government should extend. In these cases, its authority is exclusive and paramount; and in all other cases, it is by implication, without just authority or jurisdiction.



ner in which, and the State governments by which the federal Constitution was formed, clearly implies this : and in the first section of the first article, it declares, that the powers to be vested in and exercised by the general government were granted by the several States.

Such was the design and such the only reasonable construction of the federal compact. The powers of the general government were conferred on it by the States. It is the agent of the States for general purposes, and may justly act only on subjects on which its constituents have authorized it to act. For the original States were not creatures of the federal government ; but the federal government is the creature, the agent of the several sovereign States. In the convention for forming the Constitution, Mr. King, a delegate from Massachusetts, (afterwards of New York,) is reported to have said—"it was of the nature of a *commission*, given by the several States, for performing acts of a general nature, which no one State was, separately, competent to do."

No one State may justly oppose the authority of Congress, unless it should make a law for such a State only, and that manifestly an arbitrary, oppressive, and unjust law : nor may Congress justly interfere with the laws of a State, unless such laws are clearly repugnant to the authority of Congress, conferred on it by the Constitution ; or unless a State assumes to exercise authority prohibited to it by the federal compact.

To say, "that the federal government has as much right to control the acts and measures of a State, as a State has to control those of a town or county," is entirely incorrect and unsound. A State creates or forms a county or district within its territory ; and such district or county is still a part of the State, and to be governed by the majority of the State in all cases whatever. But the federal government did not create or form the original States ; and has no just authority over them, only in so far as is expressly granted by the States. In forming new States, it may be somewhat different ; as certain conditions may be justly required by Congress on their admission into the Union ; yet not interfering with their powers, as independent governments after their admission, except in cases of a general nature, as specified in the federal Constitution.

Thus the federal compact was designed for the consolidation of the Union, though not strictly speaking for the consolidation of the States ; the federal government over the whole for general or national purposes being sovereign

in its defined sphere ; and the several States sovereign in their internal concerns, where not expressly restrained by the federal Constitution, which they have approved and adopted.

The former Congress, under the confederation, consisted of one body, or assembly, for devising and recommending measures of a general nature ; and the members were appointed by the general assemblies, or representatives in the several States, and not directly by the whole people. Under the new Constitution, Congress\* is a separate and complete government, composed of a House of Representatives, a Senate, and an executive officer, with the title of "President of the United States."

It was not until the thirtieth of April, that the federal government was fully organized ; as on that day President Washington was inducted into office as the chief magistrate of the Union. On this very interesting occasion, he delivered an address to the Senate and House of Representatives of the United States, who had assembled some weeks previously, and had been occupied in forming their respective bodies, in the order, and with the rules necessary for the proper discharge of their legislative duties. It is difficult to do full justice to the merits of this speech, by any verbal representation of it ; and an extract is here given, as characteristic of the mind of this very distinguished personage.

"Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that, of which the notification was transmitted by your order, and received on the fourteenth of the present month (April). On the one hand, I was summoned by my country, whose voice I never hear but with veneration and love, from a retreat which I had chosen, with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country has called me, being sufficient to awaken, in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature,

\* In the language of the Constitution, the term *Congress* is frequently used to signify the federal Government in all its branches united.

and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it may be affected. All I dare hope is, that, if in accepting, I have been too much swayed by a grateful remembrance of former, or by an affectionate sensibility to this transcendant proof of the confidence of my fellow-citizens; and have, thence, too little consulted my incapacity, as well as disinclination, for the weighty and untried cares before me, my error will be palliated by the motives which misled me; and its consequences be judged by my country, with some share of the partiality in which they originated.

“Such being the impressions, under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to the Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aid can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves, for these essential purposes; and may enable every instrument employed in its administration, to execute, with success, the functions allotted to his charge.

“In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency. And in the important revolution just accomplished in the system of their united government, the tranquil deliberation and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, with an humble anticipation of the future blessings which the past seems to presage.

“These reflections, arising out of the present crisis, have been forced too strongly on my mind to be suppressed. You will join with me, I trust, in thinking there are none,

under the influence of which the proceedings of a new government can more auspiciously commence.

"Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without reverting, once more, to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American people with opportunities for deliberating, in perfect tranquility, and dispositions for deciding, with unparalleled unanimity, on a form of government, for the security of their Union, and the advancement of their happiness; so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend."

In public men of less sincerity and purity of mind than Washington, this repeated reference to an overruling Providence, and the need of Divine direction for the happy issue of human exertions, might appear ostentatious, or as intended to court the favor of the common people; but in him there can be no doubt, that these sentiments were deeply impressed on his own heart. There are many instances recorded, illustrative of his deep and habitual sense of dependence on the Supreme Being, notwithstanding the absence of all parade and publicity in his religious character. And he seems to have been equally sincere in his belief, that Divine Providence extends to the affairs of nations and societies—views and sentiments not often found in military characters. But though a brave and accomplished soldier, it is most evident, from his general character, that he was averse to war, except in defence of justice and the rights of man.

Hon. John Adams was inducted into the office of Vice President of the United States, and *ex officio* President of the Senate, on the twenty-fourth of April: when he addressed the Senate as follows:

"*Gentlemen of the Senate*,—Invited to this respectable situation by the suffrages of our fellow-citizens, according to the Constitution, I have thought it my duty cheerfully and readily to accept it. Unaccustomed to refuse any public service, however dangerous to my reputation, or disproportionate to my talents, it would have been inconsistent to have adopted another maxim of conduct, at this time, when the prosperity of the country and the liberties of the people require, perhaps, as much as ever, the atten-

tion of those who possess any share of the public confidence.

"I should be destitute of sensibility, if, upon my arrival in this city, and presentation to this legislature, and especially to the Senate, I could see, without emotion, so many of those characters, of whose virtuous exertions I have so often been a witness; from whose countenance and example I have derived encouragement and animation; whose disinterested friendship has supported me, in many intricate conjunctures of public affairs, at home and abroad—those celebrated defenders of the liberties of our country; whom menaces could not intimidate, corruption seduce, nor flattery allure; those intrepid asserters of the rights of mankind, whose philosophy and policy have enlightened the world, in twenty years, more than it was ever before enlightened in as many centuries, by ancient schools or modern universities.

"I must have been inattentive to the course of events, if I were either ignorant of the same, or insensible to the merits of those other characters in the Senate, to whom it has been my misfortune to have been hitherto personally unknown.

"It is with great satisfaction, that I congratulate the people of America on the formation of a national Constitution, and the fair prospect of a consistent administration of laws; on the acquisition of a House of Representatives chosen by themselves; of a Senate, also, composed by their own legislatures; and on the prospect of an executive authority, in the hands of one, whose portrait I shall not attempt to draw. Were I blessed with powers to do justice to his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory. This can only be effected, by a discharge of the present exalted trust, on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations; whether they have been denominated presidents, or consuls, kings or princes; where shall we find one, whose overruling good fortune has so completely united all hearts and all voices in his favor; who enjoyed the esteem and admiration of foreign nations and his fellow citizens with equal unanimity? Qualities so uncommon, are no common blessing to the country that possesses them. By those great qualities, and

their benign effects, has Providence marked out the head of this nation, with a hand so distinctly visible, as to have been seen by all men, and mistaken by none.

"It is not for me to interrupt your deliberations by any general observations on the state of the nation, or by recommending or proposing any particular measures. It would be superfluous to gentlemen of your great experience, to urge the necessity of order. It is only necessary to make an apology for myself. Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates, than to preside in their deliberations. A trust of the greatest magnitude is committed to this legislature; and the eyes of the world are upon you. Your country expects, from the results of your deliberations—in concurrence with the other branches of government, consideration abroad, and contentment at home—prosperity, order, justice, peace, and liberty. And may the providence of Almighty God assist you to answer their just expectations."

Mr. Adams was a member of the first Continental Congress, from Massachusetts, in 1774; and continued a member till the year 1778, when he was appointed to France. He afterwards went to Holland, to obtain a loan for the United States. And in 1783, when peace was made with England, he received the appointment of Envoy Extraordinary to the British court. His character for talents, learning, and patriotism, was as highly distinguished as that of any citizen in the United States. And under the auspices of Washington and Adams, the great majority of the people had full confidence that their rights and liberties were secure, and that the wisest measures would be adopted for the welfare and prosperity of the country. The members of the Senate and House of Representatives were also men of great political experience, and of tried patriotism; and many of them had taken an active part in favor of freedom and independence, and in concerting measures for the safety of the country, in the war of the Revolution.

The first Congress, under the federal Constitution, was held in the city of New York, and continued in session six months. The House of Representatives consisted of fifty-nine members,\* and the Senate of twenty-two.† The sub-

\* Rhode Island and North Carolina had not then adopted the Constitution, and had no representatives in the first Congress. The members present were usually fifty-two or three.

† Eleven States were represented in the Senate at this time. From New

ject of Commerce and of Finance received their early and prompt attention. To regulate these for the credit and benefit of the country, was indeed the great object of their meeting, and the leading design in the formation of the general government. The acts for these purposes, and some others, passed at the first session of Congress, gave an entirely new aspect to the financial and commercial character of the United States. A system was adopted for raising a revenue from duties on imported articles, for the purpose of paying the public debt, gradually; and the interest annually in future. The securities holden by the creditors of the United States, rapidly rose in value; and confidence both in the ability and intention of Congress to do justice, was fully restored. The public debt was, indeed, very great; but it was also perceived, that, with wisdom and decision in the grand council of the nation, its resources were amply sufficient for the payment in a few years, besides the necessary expenditures for the support of government.

All the members of Congress were in favor of this measure for raising a revenue; but, as to the details of the bill and the difference in the duties on different articles, there were various opinions. The principles which governed in the final adjustment of the duties on imported goods, were to impose the highest per centum on articles not considered necessary, and which were deemed to be luxuries; and to fix the amount less on goods and products of ordinary consumption among all classes of people:\* a regard was also had to such articles as were then or might be, manufactured in the United States; and thus a higher duty was ordered, with a view to encourage the enterprize and industry of American citizens. This principle was early recognized, and General Washington particularly recom-

Hampshire, Langdon and Wingate—Massachusetts, Strong and Dalton—Connecticut, Ellsworth and Johnson—New York, Schuyler and King—New Jersey, Elmer and Patterson—Pennsylvania, Morris and Maclay—Delaware, Read and Bassett—Maryland, Carrol and M'Henry—Virginia, Grayson and Lee—South Carolina, Izard and Butler—Georgia, Few and Gunn. At the second Session, January, 1790, Williamson and Hawkins of North Carolina, attended.

\* The duty first proposed on molasses was six cents per gallon; but in the bill as passed, it was only two and a half.—On Bohea tea, the duty was six cents, and on Hyson, twenty; on loaf sugar, three cents, and on brown sugar, one cent. On wines: Maderia, eighteen cents—other kinds, ten cents. On distilled spirits, Jamaica, proof, ten cents; on other spirits, eight cents. And when imported in foreign vessels—Hyson tea, twenty-six cents; and Bohea, eight cents.

mended it to Congress in his second public speech,—January, 1790. But the discrimination was not so great, between these goods or articles imported, and others which did not conflict with the growth of our own manufactures, as was adopted thirty-five years later, when this policy of encouragement and protection was pushed so far as to meet with warm opposition from some parts of the United States, on account of its effects—which were more favorable to certain sections than to others—according to their respective interests in manufactories; and at one time even to threaten the integrity of the Union.\*

The continental debt, at the close of the war, was forty-two million dollars; but, in 1789, as the interest had been accumulating for six years, and the demands of the several States on Congress, the general government, were estimated at twenty-five millions. The whole public debt, to be provided for by the federal government, amounted to about ninety-four millions. The receipts into the public treasury arising from the duties on imported articles, and on tonnage, according to the system adopted at this first session of Congress, were estimated at one million and a half of dollars; but it was soon found that they would far exceed that sum.† An estimate of expenditures for the year was also made by the House of Representatives at this time, as the secretary of the treasury had not then entered on the duties of his office; and the sum for the civil list was \$208,000; and for the war department, \$137,000.‡

An act for collecting the duties on imported goods was also passed at this session of Congress; the act was of great length, and employed much time in its preparation, and in its discussion, before it was adopted. And the bill laying a tonnage duty, occupied the attention of Congress during several days; and a discrimination was made between vessels built in the United States, and in foreign countries, as well as those owned and navigated by Americans, and citizens or subjects of foreign governments.

These acts of the federal government went into opera-

\* At this early period, a difference of opinion was fully manifested in Congress, as to the measure of encouragement to manufactures, when the import bill was under discussion—while little or no favor was shown for agricultural products. The latter was suggested and urged by members from the Southern States, but the members from the Eastern States contended for the former policy.

† Others estimated the income from imports at 2,500,000, and the expenses for the whole civil list at 350,000.

‡ This included Indian supplies, &c.



tion the first of August; and in one month the impost duties in Philadelphia amounted to 55,000 dollars; and in New York to 40,000. And, in these two ports, probably, accrued nearly half the amount received in all parts of the United States, at that period. The Customs in Boston, Charleston, and Baltimore, yielded the next highest amount.\*

The States of North Carolina and Rhode Island had not then accepted the Constitution, and were therefore liable to the increased duties required of foreign nations; but, on application from those States, the discrimination was suspended, in the belief, probably, that they would soon adopt the federal compact, and become members of the Union, on an equal footing with the other States.†

The law of Congress, regulating the federal Judiciary, was first proposed and discussed in the Senate, and was not passed till after the most mature deliberation. The great questions on this subject were,—of how many justices the highest court should consist; into how many districts the United States should be divided; and what were their proper duties and powers under the federal Constitution. That instrument had but briefly stated the powers of the federal Judiciary, and in very general terms. And it was a difficult and intricate subject to define and point out the authority of that high tribunal, so as not to interfere with the jurisdiction of the State courts, on the one hand, and not to decline or forbear judicial decisions, which by implication of the Constitution belonged to it, for the welfare of the Union, on the other.‡ The law provided for a Supreme Court, to consist of a Chief Justice, and five Associate Justices; § and for a District Court, of inferior jurisdiction, in each; and one for Maine and Kentucky; the former being then a part of Massachusetts, and the latter of Virginia. The tenure of office, for the Judges of the Supreme and other federal courts, was settled by the Constitution, and was during good behavior; and therefore

\* Most of the Collectors of the Customs, first appointed, were those who had distinguished themselves in the war of the Revolution.

† North Carolina adopted the Constitution, November, 1789, and Rhode Island, in 1790.

‡ John Jay, of New York, was appointed Chief Justice; and John Rutledge, of South Carolina, James Wilson, of Pennsylvania, William Cushing, of Massachusetts, Robert H. Harrison, of Maryland, and John Blair, of Virginia, Associate Justices.

§ Caleb Strong, of Massachusetts, was Chairman of the Committee of the Senate on this subject; and was extremely anxious to prepare a bill as perfect as possible. A letter of his, relating to this bill, at the time, is before me.

the legislature expressed no opinion, as to that point in law, respecting the Judiciary. But in the law providing for the appointment of officers to be at the head of each executive department of the government, under the President, a very grave question arose, relating to the tenure of their office. There was a long discussion on the subject, which called forth the abilities of the most eminent statesmen and speakers in the House of Representatives. It was contended, by those who apprehended too much power in the President, that these, and all other officers of the government, in whose appointment the consent of the Senate was necessary, should not be removed without the approbation of that body. The Constitution was silent on this point; and it was argued, that, as that instrument should be construed rigidly, it would be improper to give the President such a power, or to acquiesce in his exercise of it. And it was also urged, that it might be liable to great abuse, and serve to render the Chief Magistrate arbitrary, and, in some measure, absolute. On the other hand, it was observed and insisted, that this condition, of requiring the consent of the Senate, in removals of executive officers immediately under him, and for whose conduct he was, in a great measure, responsible, would be an improper restraint on the Chief Magistrate, would be an encroachment on his just and necessary authority, and would often operate to the injury of the public. The nature of the case, it was argued, required that the President should have power to remove an unfaithful or incompetent or inefficient officer, without consulting the Senate who would often be absent from the Seat of Government for half the year, and who could not possibly be acquainted with the ability of the incumbent, or the circumstances of the case, to form an accurate and just opinion.

Very plausible and ingenious speeches were made in opposition to granting, or recognizing in the President, such great authority; but it was fully shown, at the same time, that the President would be paralyzed in his desire to exercise power for the public welfare, if rendered necessary to remove unfaithful and negligent officers, who were appointed merely to execute his will and his orders. And the bill was finally passed by the House of Representatives, without denying the power of the President, by a vote of thirty-three to twenty.

This decision had particular reference to the Secretary of State, or for foreign affairs—the question arose, when the bill for the appointment of such an officer, to assist the

President, was under consideration. The arguments which prevailed in that case, however, would apply with equal force, as some contended, to the heads of all the executive departments, to collectors of the customs, and to marshals, &c. But even in such cases, it would appear proper the President should have the power of removal without the assent of the Senate. That he should possess the power, as to the high confidential officers about him, and concerned in administering the government, there cannot be a reasonable doubt. And here, the reason is apparent in favor of such a power, when only political subjects and measures of moment are concerned; for executive officers under the chief magistrate are but his agents, and entirely under his direction and control. But when this power is exercised, in the removal of subordinate executive officers, merely for party politics, it is extremely doubtful whether it be agreeable to the spirit of the Constitution, or for the welfare of the people, or the preservation of liberty. And whenever such power is displayed, in wantonness or caprice, or for party purposes, the chief magistrate and his advisers may expect to be visited with an expression of the honest indignation of a virtuous people.

At the first session of Congress, a proposition was offered, for fixing on a place, as a permanent seat of the federal government, and for the future meetings of the legislature of the Union. Several places were proposed, as Trenton in New Jersey, Philadelphia, Germantown, the east bank of the Susquehanna river, also the west side in Maryland, Wilmington in the State of Delaware, and the eastern bank of the Potomac. The subject excited much interest, and was discussed several days, though other business of far greater immediate importance was before Congress. The plan included a territory of ten miles square, to be under the jurisdiction of Congress, whenever it might be decided to erect buildings for the convenience of Congress and the officers of the general government. But no decision was had on the subject at the first session: the Senate voted to postpone it.

Some time was also occupied in preparing and discussing the bill for compensation to the President and Vice President, members of the Senate and House of Representatives, the heads of departments, collectors, controllers, auditors and other officers under the Secretary of the Treasury, &c. The members, generally, from the eastern States, were opposed to high salaries, or large compensation. In these States public officers received moderate salaries, the people

were economical, and would probably complain if the compensation was much greater than had been allowed to their State rulers and judges. The southern members were in the habit of a more expensive mode of living; and they contended, that now, in time of peace, and patriotism not requiring personal sacrifices, and the public service interfering almost wholly with other lucrative employment, it was proper to allow a decent support. The Senate also insisted that their pay should be more than that of the Representatives. But the proposed discrimination was not adopted by the House. The salary of the President was fixed at twenty-five thousand dollars per annum, and so remains to the present period. The Vice President's was five thousand dollars per annum, and still continues the same. The salaries of the Judges and of the heads of departments have been increased since first voted, in 1789, about thirty-three per cent. The compensation for Senators and Representatives was fixed at six dollars per diem; and afterwards, in 1818, was raised to eight dollars; and this sum they still receive for their daily pay.

The form of an oath was prescribed by law, early in this session of Congress, to be taken by all the federal officers, and by members of the legislature of the Union, in which they were to swear or affirm solemnly to support the Constitution of the United States: But no religious test was imposed; nor did the Constitution require it; and one of the amendments to that instrument expressly provided that Congress should make no law respecting an establishment of religion, or prohibiting the free exercise thereof. This important subject belongs solely to the power and will of the majority in the respective States, and they have wisely declined, of late, to interfere in so delicate and difficult a subject. In several States, however, there are laws against blasphemy, and rendering those liable to punishment who endeavor, by public acts, to cast contempt on the Christian religion, or by publications of a libellous character on the common faith and worship of the people.\*

\* At this session of Congress, by request of the two Houses of the federal Legislature, the President recommended a day for public religious service and thanksgiving. The motion for this request was made by Elias Bowdoin, of New Jersey. When John Adams was President he issued a proclamation for a Fast throughout the Union. And all religious persons approved it, and observed the day in a religious manner. But many truly pious Christian people were of opinion that such days should be proposed only by the several States, within their own jurisdiction.

A proposition was made to Congress, at this time, and a committee accordingly appointed, to consider the propriety of establishing a permanent system of bankruptcy throughout the United States. The importance of such a system was suggested and urged by several members, but the committee made no report, and prepared no bill for the purpose, during the first session of Congress.

A law was passed establishing a Post Office Department; and it was provided that the mail should be carried from Portland, in Maine, to Savannah, in Georgia, a distance of fifteen hundred miles. It was soon after extended one hundred and fifty miles farther eastward, in Maine; and different branches or routes were also provided for conveying the mail in various parts of the country.

The territory in the west and north west part of the United States was put under a Governor and other necessary officers, who were appointed by the President and Senate, for the maintenance of peace and good order in that section of the national domain, where the people from the old States cease making extensive settlements. This was the more necessary, as several tribes of the native Indians were living on the territory. Provision was also made, at this time, for having troops in that part of the country, as had been already done by the old Congress, for the protection of the frontier settlers. The territory was very extensive, and included all that part of the United States which lies west of Pennsylvania and west and north west of Virginia. A land office was ordered to be established in the territory, for the survey and sale of the public lands. The territory, though then under one government, included Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa.

A subject of very great consideration, which engaged the attention of the first Congress, was that of additional articles, as amendments to the federal Constitution. A majority of the States, which adopted the national compact, proposed certain articles to be added to it, as has been already observed. These indeed were not made a condition of their assent to and support of the Constitution; but they were an expression of their opinion in favor of these, or similar articles. The most of these went to limit, or rather, more clearly to define the powers granted to the federal or general government. The powers delegated to Congress were for general or national purposes; and were enumerated in the Constitution: But there was also a clause added to this specification, granting authority to make all laws ne-

cessary and proper for carrying into execution the several powers particularly mentioned, and all other powers vested in the government of the U. States, by the Constitution. — This clause was proper and necessary; but those who were opposed to granting large powers to Congress, and were jealous of State rights; and aware, probably, that men in power, are inclined to extend their authority and to claim more than was meant to be delegated. — All such were desirous of limiting the powers of the federal government to the specific purposes expressed in the Constitution: And to reserve to the several States all the political authority not expressly granted.

In most of the State Constitutions, there was a bill of rights, which was designed to limit, in some measure, the power even of those governments or legislatures. To the federal constitution, there was no such declaration of rights, either of the people or of the State governments; and, from the nature of the federal government, being designed by the several States for specific purposes, many concluded that a bill of rights was unnecessary, as whatever powers were not clearly granted to Congress, remained with the respective State governments. But a majority of the people were not satisfied with this reasoning; and additional articles were therefore proposed by Conventions in most of the States, when they adopted the Constitution.

The subject was justly deemed of great importance by Congress, and early received their close attention and consideration. Mr. Madison, of Virginia, first called the attention of Congress to the subject: and proposed various amendments, all tending to limit or define the powers of the federal government. In the course of discussion on these articles, various alterations were proposed, and many days were occupied in the consideration of them, both by the House of Representatives and the Senate. Sixteen articles were finally approved by the requisite majority of Congress,\* and recommended to the several States to be adopted, either by the legislatures thereof, or by Conventions called expressly for the purpose, and chosen immediately by the people, as were the Conventions for adopting the original Constitution, in 1787 and 1788.

In most of the States, the proposed amendments were considered and adopted by the legislatures; but in a few cases, Conventions were called for the purpose. Ten of the articles proposed and recommended by Congress—Sep-

\* The Constitution required two thirds of both Houses.

tember, 1789—were approved by two-thirds of the States ; and thus became parts of the federal Constitution, of equal authority and validity as the original instrument. Two other articles were added at a later period, being approved by two-thirds of the States in the Union. The great object of these amendments of the Constitution was to secure the rights of individuals, on charge or suspicion of crimes committed against the United States, by treasonable acts, or violations of the laws of Congress ; and to preserve to the respective State governments all the authority and power not clearly vested in the general government by the federal compact.\*

These additional articles of the Constitution were highly important ; as they served to define the powers of the federal government, and to prevent its encroachment on the rights of the States. Besides, the Constitution, adopted by the people of the several States, is the rule for the federal legislature, the source of their political power, and to the provisions of which they are obliged to conform. It is the supreme law of the land, and therefore paramount even to the power of the national legislature itself. If it were not so, our republican government would have no more stability than those which have existed, for short periods, in other countries. But for the check thus provided, the general government might have usurped powers, not intended to be granted, and injurious to the proper authority of the several States, by claiming a paramount or supervising authority over them in all cases. And thus have formed a national or consolidated government, which, neither the framers of the Constitution, nor the States which assented to it, intended ; though they did intend a *consolidation of the Union*.

After an adjournment of three months, the Congress again met, on the first of January, 1790 ; and early in this session, a report was made by the Secretary of the Treasury, in conformity to an order of the House of Representatives before the adjournment. This report related to the financial concerns of the United States, its resources, and the means for supporting the public credit, and gradually paying the public debt ; to the probable receipts and expenditures of the year then commenced, and also for future

\* Amendments proposed by some States, but deemed of minor importance, were not recommended by Congress ; for they were numerous, and probably would have been rejected by most of the legislatures. The New York Convention had proposed to limit the term of the presidential service to four years. A proposition often since made, in and out of Congress.

years; and to the policy of fostering domestic manufactures. In the public opinion, it discovered uncommon ability and research, extensive knowledge of the financial policy and laws of European nations, and of the future prosperity of the United States, which might justly be anticipated, under a wise and provident administration.

In this report from the Secretary of the Treasury, the public debt was stated to be but seventy millions of dollars; a less sum than was supposed by a committee of Congress at the first session: and the proceeds from imposts and tonnage, \$2,170,000. It was proposed to raise a revenue also from an inland excise, which it was estimated would yield more than a million and a half. A plan was presented for a new tariff of duties on imported goods, to be fixed at a higher rate; and it intimated that the foreign debt would admit of a less interest than had been previously allowed. A loan of twelve millions was also recommended, to meet the immediate demands on the United States, as necessary to sustain the public credit. It was further proposed in the report, that the public debt should be funded, and the debts of the several States, incurred for the general defence, in the time of the Revolution, should be assumed by the United States.

In the speech of the President to Congress, at the beginning of the second session, he referred to several subjects of a public nature, which he deemed worthy of particular consideration at that time, as the Constitution had made it his duty. After noticing the state of general prosperity, and the approbation expressed by the people, of the measures adopted at the former session of the federal legislature, for the relief and benefit of the country, it was necessary, he said, to provide for the common defence. "To be prepared for war, was one of the most effectual means to prevent it." He recommended, that provision be made by law for arming and disciplining the militia, as the Constitution authorized; and that particular attention be given to manufactures; especially such as would render us independent, for military and other essential supplies, of foreign nations. He observed that pacific measures would be adopted towards the native Indians,\* within the limits of

\* Under the administration of Washington, the policy of the federal government was just and proper. He knew their peculiar character; and while he sought to cultivate peace with them, and to treat them according to the principles of equity and justice, he considered it necessary to provide against their depredations by a military force on the western frontier. He therefore early endeavored to secure their friendship by treaties. But when the Indians



the United States; but that it would be necessary immediately to provide means of protection to the inhabitants in their vicinity; and that provision should be made for maintaining a diplomatic intercourse with foreign nations, for the honor and peace of the United States. He also suggested the importance of a uniform rule of naturalization; and of uniformity in the currency, and of weights and measures, through the United States. The facility of intercourse between distant parts of the country, by means of Post Offices, and Post Roads, and the encouragement of useful inventions and of science, were likewise urged upon the attention of Congress.\* The answer to the speech of the President, both of the Senate, and of the House of Representatives, expressed sentiments of entire approbation of his official acts, and of the plans and objects of a political nature, which he recommended. And the subjects suggested in the address, received the immediate attention of the national legislature, and were referred to committees for consideration. The report of the Secretary was also referred to committees, and a strong desire manifested to consider his suggestions for modifying the revenue law, which was passed at the first session; and for rendering it more productive and more equable in its operation.

A report was early made respecting the Indian tribes in the United States; and on this occasion the House of Representatives sat with closed doors; which was the occasion of some complaint; as if Congress proposed and were maturing some improper measures. But it soon died away, from the confident belief that the members were so wise and patriotic, as to guaranty the propriety and rectitude of their plans. It was thought proper to prepare an armed force for the safety of the inhabitants then settled and settling on the Ohio river, in such manner as to give as little alarm as possible to the Indian tribes. Major-general

appeared in a threatening and hostile attitude, he promptly prepared to check their inroads into our territory, by arms. At this period, there was reason to believe, that several tribes were instigated to commit depredations on people within the United States, by the British in Canada; who then still held possession of some forts in the west, ceded to the United States by the treaty of peace, in 1783. It cannot, perhaps, be justly denied, that in some cases, the savages had reason to complain of encroachments and unjust treatment, on the part of the citizens of the United States; and were provoked to acts of cruelty or retaliation from a natural spirit of revenge.

\* The President proceeded to the Senate chamber on the second day of the session, when the members of the House, by his request, attended, and made the speech in person, as he did also when he first met Congress, after his induction into office. On this occasion his dress was of American manufacture.

St. Clair was then commanding in that section of the country; and it was deemed important to strengthen him by additional troops. Humanity weeps at the recollection of the degraded, and sometimes injured savages of the wilderness; but the earth was made to be cultivated; and the peaceable tenants of the soil should be protected in their labors.

Agreeably to the suggestions of the President, provision was made for maintaining diplomatic intercourse with several nations of Europe; and a law was also enacted for a uniform system of naturalization throughout the United States. Ministers were early sent to the court of Great Britain, France, Spain, and Portugal, and afterwards to Holland, to Russia, and to Prussia. Under the old Congress, ministers from the United States had resided at most of those courts.

The report of the Secretary of the Treasury, relating to the fiscal concerns of the country, presented important plans and measures for the consideration of Congress. And though the report was finally approved, as to its principles and outlines, much time was consumed in the examination of its details.\* The proposition to make a difference between domestic and foreign creditors, as well as between the original and the (then) present holders of evidence of debt against the government, though urged with much zeal and some plausibility, did not receive the sanction of the majority in Congress; for it was believed, that the honor of the government, and the principles of good faith, which should govern in pecuniary affairs, required that the holders of public securities should be paid without exception or distinction.†

As proposed by the Secretary of the Treasury, in his report to Congress, 1790, the payment of four-fifths of the debts of each State, incurred in the war of the Revolution, for the general defence, was assumed by the federal government. Justice and good policy alike demanded this measure; for Congress had the entire control of the revenue arising from commerce and navigation; and this pow-

\* There were different modes or principles of discrimination among the public creditors suggested. That advocated by Mr. Madison was the least exceptionable, but it did not prevail. Mr. Ames opposed it in a very able and convincing manner.

† The Secretary of the Treasury, in his report, estimated the public debt at little less than a Committee of the House had, at the first session, and the annual expenses of government and interest of the debt at three and a half millions.

er was granted by the Constitution for the express purpose of paying off the public debt. Some States had advanced more than their just proportion in the expenses of the war. On inquiry, it was ascertained, that several had claims on the general government, for a balance due, or an excess over their proportion; and that others had not expended their full and just share. The amount thus assumed by Congress, was twenty-one millions and a half; which was nearly half as much as the general government, or old continental Congress had directly contracted. South Carolina and Massachusetts were the largest claimants on the federal government for balances in their favor.\* The assumption of the debts contracted by the several States during the war, for the welfare of all, was not agreed to, however, without warm opposition. And, in one stage of the bill for the purpose, the majority voted against it. But the justice of the measure was so fully shown, that it finally prevailed, and an act of Congress was passed for that object, in August, 1790.

The military establishment of the United States was, at the second session of first Congress, fixed at twelve hundred men, and to be enlisted for three years; to consist of three battalions of infantry, and one of artillery; and by the same law, the President of the United States was authorized to call into service, such part of the militia of any State, as he should judge necessary, to aid the regular troops in protecting the people on the frontiers.

In the month of July, of this session, an act was passed, providing for the permanent seat of the government of the United States, on the banks of the Potomac, including a tract of land of ten miles square; a part of which was within the State of Maryland, and a part in Virginia. And in the act of acceptance of the territory, it was also provided, "that the operation of the laws of the State within such district or territory, should not be affected by the cession, *till the time fixed for the removal of the government thereto, and until Congress should otherwise provide by law.*"

During the second session of this Congress, several petitions were presented on the subject of slavery; which were subscribed chiefly by the people called Quakers, and citizens of Pennsylvania. Dr. Franklin's name was at the

\* During the whole war, Massachusetts supplied one-fifth of the continental army, and some part of it nearly one-fourth; and generally had State troops out to guard her coasts of 500 miles.

head of one of these memorials. There was some opposition to have them considered at all, as the subject did not belong to Congress, and was solely within the jurisdiction of the several State governments. The subject, however, was discussed at various times, and a report was finally made and adopted, though by a small majority, in substance as follows: That the general government is restrained from prohibiting the importation of slaves before the year 1808; that, by fair construction, Congress is also restrained from interfering in the emancipation of slaves, who already are, or may, within that period, be imported into, or born within any of the States; that Congress have authority to interdict or regulate the African trade, so far as relates to citizens of the United States supplying foreigners; and to make provision by law for the humane treatment of slaves: and that the federal government has power also to prohibit foreigners from fitting out vessels, in any ports of the Union, for that traffic.

Some of the members from the South said they should consider their States undone, if any interference took place, as to the subject, and warmly opposed any action of the federal government; but other members contended that humanity, justice, and good policy required something to be devised to alleviate the condition of the unfortunate Africans. Still, many individuals, as humane as they were enlightened, thought that any great interference with slavery would endanger the Union, and that the Constitution did not authorize it.

An act was passed by the first Congress, in April, 1790, to promote the progress of the useful arts, which secured to the inventors of any machine, engine, art, or manufacture, the sole right to the use, and sale of a right to use, such invention. This was considered an important law; and it operated as a stimulus to various inventions, highly beneficial to society. In June, of the same year, a law of Congress was passed, securing to authors and publishers of books, the exclusive right to print and sell such works for a number of years. The law was similar to those in force in England, and other countries in Europe.

In July, 1790, during the second session of the first Congress, provision was made by law for the debt of the United States; in a great measure conformably to the recommendation of the Secretary of the Treasury; which was, in fact, for payment of the national debts, by a funding system, (usually so called,) and by loans. The law authorized new loans, and the creditors of the United States

were invited to subscribe, and to pay for the sum subscribed in their securities or notes of a former date. Interest was allowed on the new stock thus created by the loan subscribed to; and a part of the principal to be paid at certain periods in future. Some of the stock bore an interest of six per cent., and some only three. The President was authorized to borrow twelve millions of dollars, on the credit of the United States, to meet demands or part of demands already due, and the interest due to the public creditors.

During this Congress, provision was made for a gradual reduction of the public debt, by paying it in annual instalments, at an early period; so anxious were the members of laying a foundation, or preparing a plan, for this important purpose. But both on the question of funding the public debt, and of assuming the debts of the several States, a warm discussion took place, which continued many days, and called forth the abilities of the distinguished members of Congress. It was not wholly of a sectional character; and political parties were not then formed: but different views were expressed; and the members from those States, which had advanced the least in the war of the Revolution, were the most opposed to these propositions. The majority of the House was, at one time, against adopting; but the Senate was in favor of the measure, and the House finally yielded, by a small majority. Had not these measures been adopted, the consequences might have been most unhappy for the welfare of the Union. For the funding system was necessary to revive and support the credit of the country; and the assumption of the State debts was equally necessary to do justice to those States, which expended most largely and suffered most severely, in the contest for liberty and independence. Sedgwick, Gerry, and Ames, of Massachusetts, were very eloquent on this occasion, and declared that the federal government would fail essentially in providing a remedy for existing evils, and in securing justice to the States, which was the express design of its establishment, unless the debts of the States were assumed, and prompt measures adopted for payment of the public debt.

Several members of the first Congress had been delegates in the Convention which formed the federal Constitution, as Strong, Gerry, Sherman, Langdon, Gilman, Carroll, King, Clymer, Fitzsimons, Morris, Bassett, Reed, McHenry, Butler, Few, and Baldwin. Among the most distinguished and active members of the House of Representa-

tives, as appears from the debates and proceedings which have been preserved, were Livermore<sup>a</sup>; Ames, Goodhue, Gerry, Sedgwick<sup>b</sup>; Sherman, Trumbull, Wadsworth<sup>c</sup>; Benson, Lawrence<sup>d</sup>; Boudinot<sup>e</sup>; Muhlenburg, Hartley, Fitzsimons<sup>f</sup>; Vining<sup>g</sup>; Contee, Smith, Stone<sup>h</sup>; Madison, Page, Lee, Bland, Moore, Parker<sup>i</sup>; Burke, Huger, Smith, Sumpter<sup>k</sup>; Baldwin, Jackson.<sup>l</sup>

The federal government may be justly considered a new political era in the United States. A great change was effected by its influence, through the whole country; which proved highly auspicious to the interests and welfare of all classes of people. The advantages of Independence were now fully perceived; and the blessings of civil liberty, happily realized. And it is difficult to imagine even, the divisions, disorders, and misery which would have ensued, if the federal Constitution had not been adopted, and the general government formed at that period. The common external dangers which had united the several States, and pressed them together in concert and action, had ceased,—and the unsettled condition of the American people gave indications of as great evils, as had been endured in the war of the Revolution. The federal government was established by the wisdom and patriotism of that critical period; and thus a remedy, and the means of safety and prosperity were happily provided.

There was a *third* Session of the first Congress, which was held in the city of Philadelphia, on the first Monday of December, 1790; when much remained to be done, to perfect the operations of the federal government, or to accomplish all the purposes it was designed to effect. At the two former meetings, Congress had been diligent and faithful in setting the great political machine in motion; but time could not fail to discover some defects, or some omissions, which it was necessary to remedy and to supply. Several laws, passed at the former sessions, as that of establishing Judicial Courts, and those for raising and collecting the revenue, were altered at this. The first new State formed by the federal government was that part of Virginia, called the District of Kentucky; and Congress gave its consent to the application for that purpose, (an Act of Virginia having also passed in favor of the measure,) in February, 1791. And Kentucky then became one of the

<sup>a</sup> New Hampshire. <sup>b</sup> Massachusetts. <sup>c</sup> Connecticut. <sup>d</sup> New York.  
<sup>e</sup> New Jersey. <sup>f</sup> Pennsylvania. <sup>g</sup> Delaware. <sup>h</sup> Maryland. <sup>i</sup> Virginia.  
<sup>k</sup> South Carolina. <sup>l</sup> Georgia.

States in the Union, with all the powers and rights of the original members. A few days later, Congress passed an Act for the admission of the State of Vermont into the Union. The latter, however, was to be considered as one of the States in March, then next following; but Kentucky not until June, 1792. Parts of Vermont had been settled long before that period, and had sent commissioners, the year before, to Congress, to make application for that purpose. The Constitution provides for the admission of new States into the Union by Congress; requiring, however, the consent of the Legislature of a State, within whose jurisdiction, the additional State is to be formed, or created. Kentucky being within a part of the State of Virginia, her consent was necessary to the admission of that State; but Vermont was not strictly within the jurisdiction of any other State, although New Hampshire had claimed to have a right to a part of the territory: and therefore the consent of any other individual State was not necessary to her admission into the Union. In February, 1791, an Act was passed by Congress "to give effect to the laws of the federal government within the State of Vermont."

One of the most important Acts of Congress at this session, which was necessarily terminated the third of March, 1791, was that for establishing a Bank of the U. States: This was important, in a practical view, to give efficiency to the fiscal concerns both of the federal government and to individual enterprise, especially in commercial pursuits; and also as to a great constitutional question,—the right of the general government to form and incorporate such an institution. The reasons given for the incorporation of the Bank were, "that it would be conducive to the successful conducting of the national finances, tend to afford facilities to the obtaining of loans, for the benefit of government, in sudden emergencies, and be productive of great advantages to the trade and industry of the country." The preamble further states, "that the bank should be on a foundation sufficiently extensive to answer the purposes, intended by it; and, at the same time, on principles which might afford *adequate security for an upright and prudent administration thereof.*" Notwithstanding the great objections then, and since, at various times, made to a Bank of the United States, it would seem to be highly expedient; alike useful to the government and to individual enterprise, as asserted, and as generally believed; still it is most important, that its administration and management should be in all *prudence and uprightness*; and not for the benefit of a few; nor,

more than all, for electioneering, and party purposes. It is in the abuse and perversion of such an institution, that it can be an evil, either to government or to the people.

This act of incorporation for a Bank of the United States, was for the period of twenty years; and the capital was to be ten millions of dollars. There were to be twenty-five shares, of four hundred dollars a share. Three-fourths of the amount of shares subscribed for, were payable in evidences of the public debt, which had been loaned agreeably to a previous Act of Congress. The President of the United States was authorized to subscribe two millions of the capital stock on behalf of the general government. The Bank was to be located in Philadelphia; but branch banks were provided for in other parts of the United States, as the directors should think proper, for the purpose of discounting and deposits.

As the chief executive officer of the general government, Washington was most faithfully attentive to every subject relating to the welfare and the rights of the United States. At an early period of his presidency, he remonstrated against the British in holding some forts within the national territory, which they had occupied during the war, but which the treaty of peace of 1783, stipulated should be given up, and abandoned by the British troops.

In February, 1791, he sent a message to Congress, in which he says, "that soon after I was called to administer the government, I found it important to come to an understanding with the Court of London, on several points interesting to the United States; and particularly to know, if they were disposed to enter into arrangements by mutual consent, which should fix the commerce of the two nations on principles of reciprocal advantage. For this purpose, I have authorized informal conferences with their ministers; but do not discover any disposition, on their part, to enter into any arrangements merely commercial. This information I have thought proper to communicate, as it may have some influence on your deliberations." It was publicly rumored and believed, that, after the system of duties on goods and articles imported from Great Britain or her colonies was established by Congress, the British ministry made propositions to bind the federal government not to raise these duties; but offering no proper commercial benefits, as reciprocal, these were not accepted by the American administration. Soon after the Message of the President, an Act of Congress was passed prohibiting the importation of goods and products, except in vessels belonging



to the United States, or in such as belonged to the country, of which such goods, or products, were the growth or manufacture; or in ships of such countries as permitted the vessels of the United States to carry goods and products not the manufacture or growth of the United States; and additional duties were also imposed, in cases where shipped at places from which the vessels of the United States were excluded to make exports.

In March, 1791, Congress resolved to establish a mint for the purpose of a national coinage; and the following year, it was ordered, "that the establishment should be at the seat of the federal government, for the time being." The director, assayer and chief coiner, were to be subject to such regulations as Congress might order and require. The coins to be struck and issued were,—of gold, eagles, of the value of ten dollars—half-eagles, quarter-eagles; of silver, dollars of the same value as Spanish-milled dollars—then current in the United States,—half-dollars, quarter-dollars; dimes, of the value of one tenth of a dollar, half-dimes; and cents of the value of one hundredths of a dollar, and half-cents.

It required no ordinary abilities and wisdom, to put the new government in successful operation. The nature of the government was in some respects peculiar. Its powers were to be exercised strictly, or fairly, according to the Constitution; and it was difficult to discriminate, in all cases, between the power of the general and of the State governments. The States were jealous, and justly so, perhaps, of the federal government, fearing it would assume authority not given it by the compact; and might therefore sometimes complain without just cause.

President Washington would not designedly assume power not delegated; nor would he fear to exercise the authority granted, and necessary for the general good, by the clamors of the ignorant or discontented. As in organizing and commanding the army of the United States, in 1775—1783, he had almost to create, and manifested equal decision and moderation; so, in using the power given to the chief magistrate of the Union, he was alike firm and prudent; and, with the aid of the first Secretary of the Treasury, raised the prostrate credit of the country, and gave an impulse to the government, which was long felt, and which produced a state of unexpected national prosperity and respectability.\*

\* During this session, by recommendation of the President, Congress ordered another regiment of men to be raised, for the public service, to recruit the troops then in the field; which amounted to only 1200.

## CHAPTER II.

Second Congress, October, 1791. Closed Doors. Of Senate. Indian Hostilities. Public Finances. Additional Duties. Excise. Militia System. Power of the Federal Government over the Militia. Cessions of Land to the United States by individual States. United States troops under General St. Clair Defeated. Treaties with Indians, and Efforts to have Peace with them. British hold Forts in the Northwest. Message of President, October, 1791. Complaints of British Aggressions. Petitions against Slavery, 1792. Fisheries. Number and Apportionment of Federal Representatives ; Opinion of Washington on the subject. Negotiation with Great Britain. Her Restrictions on American Commerce.

THE Second Congress met at Philadelphia, on the 24th of October, 1791. The time designated by the Constitution for the assembling of every new Congress, was December, unless some other time should be appointed by a law of the federal Legislature. There was much urgent business before the first Congress, at its last session, which terminated on the third of March, by an express provision in the Constitution ; and therefore October was fixed for the meeting of the next Congress. A great proportion of the Representatives were the same as composed the House in the first Congress. And the whole number was now sixty-five ; usually fifty-eight or sixty present, at the same time ; Vermont and Kentucky had each two Representatives now in the House.

During the first and second sessions of Congress, the Senate chamber was not open to strangers and spectators ; but there was always free admission into the galleries of the House of Representatives, so that the speeches of the members were heard, and generally fully reported. On several occasions, however, the galleries were cleared, and the House sat with closed doors. This was matter of complaint with a few persons, of suspicious and jealous dispositions. It was afterwards known, that subjects were under discussion, which fully justified secrecy at the time. They related to an increase of the military force, on the western frontiers. And the people very generally admitted the prudence of the measure. In subsequent periods, the House has often ordered its doors closed, and all spectators excluded, when the business before them was deemed of

such a nature as to require secrecy for a short time. When engaged in executive business, the Senate still holds its meetings with closed doors. But at that Congress, and afterwards, the Senate chamber was also open to those who wished to hear the discussions of that branch of the legislature on other subjects.

In 1791, the troops of the United States on or near the Ohio river, were attacked by the hostile tribes of Indians in that part of the country, and many Americans were slain. This defeat led to an increase of regular troops in that quarter; which was the occasion of some complaint, as if the military operations of the United States were offensive and unjust. But the western frontiers of Virginia and Pennsylvania, were then fast settling, and it became necessary for the general government to afford protection to the inhabitants. And it was only on the territory which belonged to the United States by treaty and fair purchase, that the Americans were settled. During the same year, the Creek tribe of Indians appeared in a hostile attitude, committed some depredations, and threatened farther injuries. The Society of Friends in Pennsylvania, remonstrated to Congress against the war with the Indian tribes, and expressed an opinion that it was unnecessary and unjust. But it appears not to have had any effect. Washington would not approve or maintain hostilities against them, had he not deemed it just and proper for the government to give protection to the people of the United States, who were exposed.

In January, 1792, the Secretary of the Treasury of the United States, was required by the House of Representatives, to lay before them a statement of the public finances, that they might more correctly judge of the sufficiency of the revenue to meet all the demands on the government; and whether any additional duties were necessary to maintain the credit of the nation. The Secretary made a report in the same month; in which he stated, that the sums required by the appropriations voted in 1791, amounted to \$7,082,190; that the net product of all the public revenue during the year 1791, was \$7,029,750; that the total annual expenditures of the United States, amounted to \$3,688,043, and that the product for the year 1792, was estimated at \$3,700,000.

An Act of Congress was passed in 1792, altering the duties, previously required to be paid on spirits, distilled within the United States; whether from molasses, sugar,

and other foreign materials, or from materials of the growth or produce of the United States. The first enactment of the general government, imposing duties on spirits distilled within the United States, was August, 1790; and the law, now adopted, was not materially different from the first. It was called the "Excise Act," to distinguish it from that of laying duties on goods and products, imported from foreign countries; and the officers appointed to collect and receive these duties, were distinct from the collectors of the customs on imported articles, and were called Supervisors. The law for raising a revenue by an excise, was considered unreasonable, by a large portion of the citizens; and it was contended that as Congress had the whole revenue arising from duties on imported goods and products, an excise, if necessary, should be under the control and for the benefit of the several States. For each State had a large debt to pay, notwithstanding the greater portion had been assumed by the federal government. The Act laying an excise, however, was evidently within the power of Congress, as granted by the federal Constitution. The legislature of the United States was desirous of paying the interest on the public debt, promptly; and also for its reduction as soon as possible. And though the revenue was as great as most had anticipated, it was not sufficient, as first established, to meet the expenses of government, and to discharge, as good policy dictated, the heavy debt of the nation, so rapidly as was generally desired.

The Constitution gives Congress power to provide by law, for calling out the militia of the United States, to execute the laws of the Union, to suppress insurrections, and to repel invasions; for organizing, arming and disciplining the militia; and for governing those called into the public service. But the right was justly reserved to the States of appointing the officers of the militia; and the laws relating to the militia it was intended, no doubt, should be uniform throughout the United States. In 1792, Congress passed a law on this subject, with an ultimate view of providing for the national defence, and to prevent the necessity of constantly maintaining a large army of regular troops. The law provided for an uniform militia system in all the States of the Union; in which, the ages of men liable to do duty in the militia, were stated, and directions given for arming them, and for the mode of discipline. But this did not prevent the State authorities from making laws more in detail, requiring how often the militia should be obliged to assemble for training and for military discipline in each

year. And these have frequently since been altered and modified in most of the States. The authority given to the President and Congress of the United States, to call the militia into the public service, and to direct and command them, has proved a subject of much difference of opinion, and of dispute, as to the extent of the power intended to be vested in the federal government; and particularly, what must be the exigency to justify such a call, or to require such service. It has been contended, that it is altogether a discretionary power, and that it may be exercised whenever Congress or the President may judge proper, even to the extent of calling forth the militia when there is no invasion, but merely apprehended; and of keeping them in service so long as may be supposed or pretended to be proper by the federal Executive. Others insist, that in this case, and in all others indeed, granting authority to the general government, the Constitution should be rigidly construed; and that the power delegated should not be exceeded; and therefore, insist, that the militia are only to be called out when an invasion takes place, or when it imminently and immediately threatens to take place; and that they should be promptly discharged when the danger no longer exists or impends; and by no means used as a standing army, or as regular troops.

Several of the old, or original States, claimed large tracts of wild lands in the west and northwest parts of the country, before the war of the Revolution, on the supposition that their respective territories extended to the farthest lakes, and to the Mississippi, if not to the Pacific ocean; for their patents were limited only by the Western ocean.

Soon after the peace of 1783, these States made cessions of certain parts of their claims, in the "far west," to the United States, but expressly for the benefit of all. The former Congress, under the Confederation, called upon the States, which advanced such claims, to cede the lands to the United States, and declared, "that they should be for the common benefit of the Union." The States which advanced these claims, made the cession on this express condition: and these were Virginia, North Carolina,\* Pennsylvania, New York, Connecticut and Massachusetts. When Louisiana, at a later period, was admitted into the Union, a condition was imposed, that it should cede to the

\* North Carolina did not cede the territory which that State claimed till 1791, after the federal government was established.

United States all the waste and unappropriated lands lying in that newly acquired territory, purchased by the federal government; and that the same should be, and remain at the sole disposal of the United States. And yet the legislatures in some of the new States, have been so unreasonable as to claim a right to all the public lands within their respective territories; and would exclude the original States, who struggled and sacrificed so much for national freedom and independence, from all right or benefit in them. This great question is still (1839) undetermined. Congress has repeatedly made liberal grants of land to the new States, for the purpose of public roads and schools: but this seems not to satisfy the craving demands of the people in the States more recently formed in the territory, ceded for the benefit of the whole Union. It was good policy to make grants for the above objects in new States, as inducements to settle the waste lands, and for the improvement of the character of the population. This is for the benefit of the whole United States. But the old States have also a just right to a portion of the benefit of the public lands, in their separate and individual character. In this early period of the federal government, however, this subject was less warmly discussed, than it has since been. Most of the States, formed out of these lands, have been established at later periods: and seem now disposed to demand as a right, what was formerly requested of Congress as a favor.

After the defeat of the federal troops under General St. Clair, by the Indians, near the Ohio river, in November, 1791, new complaints were made against the war on the savage tribes, as impolitic and unjust. President Washington ordered a statement of the causes and reasons for employing troops to defend the frontier settlements, to be made by General Knox, then Secretary of War, which was published. The paper states, that treaties or conventions were formed with several tribes in the west and northwest, as early as 1775 and 1776: but that they had not been duly regarded by the Indians, during the war, nor afterwards: but from some cause, they had violated those treaties; (with the exception of the Oneidas and Tuscaroras, within the State of New York;) and that numerous women and children had been slain by those tribes, at different times, without any sufficient pretence of aggressions on the part of the people of the United States: that when peace took place between Great Britain and the United States, instead of indulging resentments against the Indians, efforts

were made to establish and maintain peace with them on liberal terms. For this purpose, treaties were made in 1784, '85, '86, and '87; and the principles of justice and humanity governed in all these cases. In 1788, large sums were voted by Congress to defray the expenses of treaties, and for extinguishing the Indian claims, as far as they would consent; and for paying what had been previously promised for lands, which the Indians had ceded to Congress. In 1789, a treaty with several tribes on and near the Ohio river, and lake Erie was concluded; when former treaties were confirmed, and former boundaries established by mutual consent. Thus careful it appears was the government of the United States to satisfy the Indians, and to remove all causes of complaint. Owing, however, to some extraneous influence, or ignorance of the policy of Congress, a part of the Indians complained; and some of the Americans charged the government with being unjust.

The statement of the Secretary of War, further asserted, that no conflicting claim had been advanced by other tribes, under the pretence that the lands ceded to and purchased by the United States, belonged to a different tribe, or that they had any just control over them. Other Conventions were proposed in 1788 and 1789, but the Indians did not attend; and it was generally believed that there was an untoward influence from abroad, or a few white adventurers among them, whose sole object was their own individual interest and power, which prevented their meeting the agents of the United States. In the meantime the frontier settlements were attacked, and many outrages and murders committed: and the people in that region called repeated and loudly on the general government for protection. Still the President made a new attempt to negotiate. In 1790, he sent an agent to assure the tribes on the Wabash, and at Miami, that the United States desired peace, and wished to maintain friendly relations with them. But all these efforts failed, though some of the tribes wished for peace and friendship with the United States: And depredations were soon after made on the settlements, equally atrocious and revolting as before. When the people of Kentucky, and other settlements in that vicinity, meditated an attack on the Indians, without waiting for orders or the consent of the President, or his knowledge of their proposed enterprise, he restrained them. The depredations of the Indians, at that time were often committed on inhabitants who were settled south of the Ohio, and within the long acknowledged bounds of Virginia. It was estimated,

that, before the United States commenced hostile operations against the Indians, they had killed, wounded, or taken, one thousand and five hundred men, women and children, and had carried off two thousand horses, and other property to a large amount. The troops of the United States stationed in that region merely to occupy some forts, and for pacific purposes, were also attacked, and many of them killed by the hostile tribes, during this period. Col. Pickering held a treaty with them in 1791, when he made known the humane intentions of the federal government; and General St. Clair, gave similar assurances to the Delawares and others, when he first advanced into that territory to protect the inhabitants. At this period, the Governor of Pennsylvania, also requested a military force, of the President of the United States, for the purpose of giving protection to the inhabitants of that State, who lived in the northwest parts, and who were in great and continual danger from the hostile tribes of Indians. There seems to have been an imperious call for the energetic measures then adopted by Congress, and recommended and approved by Washington, in employing troops, at that time, on the frontier settlements.

At the opening of this session of Congress, (which was in October, 1792,) the President, in his public message to the Senate and Representatives, referred to various subjects of a public nature, which he deemed important for the consideration of the national legislature—among which were,—the public debt, and the necessity of further provision for supporting the credit of the United States—the exposed situation of the western frontiers; and the omission, on the part of Great Britain, to withdraw their troops from the forts within the national boundaries, formerly belonging to that power, but stipulated, by the treaty of 1783, to be given to the United States. For so long as the fortresses on lake Erie, at Detroit, or any of the branches of the Ohio river, were in the hands of the British, the western settlements were exposed to depredations from the savage tribes. It could hardly be supposed, that the British government, authorized their military officers in those forts to encourage the Indian assaults and murders; but it was evident, that while they held those posts the tribes were embolden, if not instigated by individuals, to commit depredations on the citizens of the United States. This conduct of the British ministry was considered highly improper, though they apologized for it, by pretending to a right to hold the forts, till the United States had made express



and ample provision for paying certain claims, made by the refugees from America, at the beginning of the Revolutionary war. Some of the States made such provision promptly, as to that class of the refugees embraced in the treaty of 1783; but other States had declined making any provision for that purpose. It was this conduct of the British government, which was in plain violation of the treaty, that threatened a war with England in 1793; but which the firmness and prudence of Washington happily averted.

In November, 1792, Mr. Ames, of Massachusetts, presented a memorial of W. Mifflin and others, on the subject of Negro Slavery, which was read and laid on the table. Two days after, Mr. Ames called up the memorial, when a warm dispute arose. The members from the Southern States, deprecated the consequences of such memorials. One of them moved, that it be returned to the memorialists, and the entry of it on the journal erased. The motion for returning the memorial was unanimously adopted; but the motion to erase the entry on the journal was withdrawn. This agitating subject had been previously introduced in Congress on presentation of a petition from some citizens of Pennsylvania. It has often since been brought forward, and served always to produce a warm and sometimes an angry discussion. The Constitution must be altered to justify Congress in legislating on the subject. And the interference of the non-slaveholding States, is not only useless, but altogether unjustifiable, from political, if not from moral considerations.

By an Act of Congress, in 1792, encouragement was given to the Codfisheries, followed chiefly in the eastern States; and in lieu of a drawback of the duty on salt and a bounty on fish exported, previously allowed, a bounty was now granted on the vessels employed in this business, according to their tonnage. Fish was a great article exported from the New England States, and it was also deemed important to give encouragement and support to this branch of business, as a means of having good seamen for a navy, when it should become necessary for national defence. The tonnage of vessels employed in the fisheries, and coasting trade, in 1792, was 152,000 tons—in 1813, 490,300—in 1828, 930,200—in 1832, 753,400.\*

\* The whole tonnage of vessels in the United States, registered, enrolled, and licensed, was, in 1789, 201,560—1800, 272,500—in 1810, 1,424,780—in 1820, 1,380,170—in 1830, 1,310,250,—and in 1832, 1,440,430.

The Constitution declares that there should not be more than one Representative in Congress for every thirty thousand inhabitants of each State: and that there should be an enumeration at an early day, under the federal government. A census was ordered to be made in 1790; and after the result was officially made known to Congress, a question arose what the ratio should be thereafter. Some proposed forty thousand, and some thirty three thousand. But others, again, were in favor of a plan altogether different, and such as many believed not authorized by the Constitution; which was to take the whole number of inhabitants, which the census gave, throughout the United States, and to have the number of Representatives equal to every thirty thousand. And as some States would have a large fraction beyond one for every thirty thousand, to add one Representative to eight of the largest States. This plan was proposed by the Senate; and was concurred by a majority of the House of Representatives, though several members of this branch of the legislature were opposed to it. The objection was, that the Constitution could not be fairly construed as giving support to such a procedure; and that it tended to, and would soon destroy the federal government, and produce a consolidation of the States, and all distinct lines of separate State governments. It was insisted, that the Representatives must be chosen by the people of each State separately considered, and not by fractions of two or three States united to elect one. And in fact, that no State could have more than one Representative for every thirty thousand inhabitants, contained in it, but must lose any excess of that number, however large the fraction might be. The discussion on this subject was continued many days in the House of Representatives, before the bill was passed. And when it was submitted to the President for his approbation, he declined giving it his signature. His objections were stated as follows:—"The Constitution has prescribed, that Representatives shall be apportioned among the several States according to their respective numbers, and there is one proportion, or divisor, which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the Bill.—The Constitution has also provided that the number of Representatives shall not *exceed* one for every thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective members of the States; and the bill allots to eight of the States, more than one for thirty

thousand." The act which was soon after passed on this subject, provided for one Representative for every thirty-three thousand, and restricted each State accordingly. The view taken by the President, and his construction of the Constitution relating to this point, were very generally approved, especially by those who wished to keep the several States as distinct as could be consistently with the federal compact, and to prevent their consolidation. His opinion is worthy of great regard, both with the friends of the Union, and of State rights. No one was more in favor of the former, or of consolidating or preserving it in all proper ways, and in all reasonable measures, than Washington : yet he was equally careful to guard against encroachments on State rights, and to avoid destroying their distinctive character.

In 1791, President Washington, gave notice to Congress, of his having directed the minister, at the Court of London, from the United States, to learn, informally, what was the disposition of the British, on the subject of a commercial intercourse between the two countries : In April, 1792, he communicated the correspondence between the British minister near the federal government, and the American Secretary of State, on that subject. The British minister had transmitted to the Department of State, a part of a Statute of Parliament, and gave notice also, that the British would carry the order into execution ; which, being of equivocal signification, the President thought proper to lay before Congress. In its restricted sense, which was avowed by the British minister, and from recent indications of a friendly disposition in the British government, towards the United States, he said, it could give no cause of alarm. The interdicting clause, instead of prohibiting commercial intercourse with all British ports, as appeared at first to be intended, related only to our exclusion from the islands of Jersey and Guernsey.—Such was the construction of the British Envoy, then in the United States. And his express opinion to that effect, gave satisfaction to the President, at that time ; disposed as he was to believe, that the declaration made by the British, of a friendly spirit towards the United States, were sincere. This Act of Parliament forbid the importation into any British ports of goods and products of Africa, Asia, and America, except in vessels owned and manned by British subjects ; and had a principal design to prevent the importation of tobacco, which was said to be landed in large quantities in the islands of Guernsey and Jersey, and thence conveyed to ports in England.

The conduct of the British government at this time, gave indications of a jealous, not to say, unfriendly spirit, towards the United States. The detention of the forts within the federal territory, contrary to an express article in the treaty of 1783, could not be justified; and all propositions for commercial intercourse, on terms of a real reciprocity, had been rejected or evaded. And the effect was, an opinion, very generally formed, that the British ministry was arbitrary and monopolizing in its views, and ready to take all the advantage, in the intercourse between the two countries, which their power would support. Thus it became necessary, and the federal Executive had sufficient national spirit, to insist on the fulfilment of the treaty, and to require that consideration due to an independent nation.

## CHAPTER III.

Congress of November, 1792—March, 1793. Political Parties. Federal and Anti-Federal. Opposition to the Excise on Home-Distilled Spirits. Indians Hostile. Charges Against Secretary of the Treasury. Different Views of Jefferson and Hamilton. Insurrection in Pennsylvania—Washington Chosen President for a Second Term of four years. The Party Opposed to his Policy, Censorious and Abusive. His understanding with England and France, 1793. French Minister and his Improper Conduct. Neutral Position taken by Washington. Censures on this Policy. Genet Recalled. His Successor, Chargeable with little less Improper Conduct. British Aggressions. Special Embassy of Mr. Jay. Federal Judiciary. Suability of States.

THE Second Congress adjourned in May, 1792, and met again at Philadelphia, in November following, agreeable to a resolution passed at their first session. At this early period, two great political parties, appear to have been forming in the United States. Most of the individuals of each party were no doubt honest and patriotic, and desirous of maintaining the liberties of the country. One party was denominated "federal;" the other, "anti-federal." One was in favor of supporting the power of the Executive, to its full constitutional extent; the other, for controlling the executive arm, so far as almost to paralyze it. The former were probably influenced, in some measure, by their perfect confidence in the wisdom and uprightness of the illustrious man who then occupied the chair of Chief Magistrate of the Union. These parties were also further distinguished, the *federalists*, as being most friendly to Great Britain; or rather as most desirous of keeping peace and maintaining commercial intercourse with that nation: and the *anti-federalists* as being unduly attached to the French nation, or most fearful of incurring its displeasure,—and for a period of twenty years, from that time, this unhappy spirit of party, distracted the councils, if it did not dishonor the character of the United States.

The President evidently desired to continue on amicable terms with each of those powerful nations, and conducted with remarkable impartiality in this trying period. But he did not entirely escape the animadversions of those who were under the influence of improper prejudices and partialities. In his public speech to Congress, at the open-

ing of this session; the President expressed his regret, that the war by the Indian tribes on the western frontiers continued, and that many of the settlers within the territory of the United States had been recently slain. He stated that measures both for peace and defence, had been adopted, in such a manner as he had hoped would have been effectual; but, that his repeated attempts to preserve peace, though on favorable terms to the tribes, had been unavailing; and the military force, employed in that part of the country, had not been able to prevent further depredations, as he had hoped. Some other tribes in the Southwest, it was stated, had also discovered a hostile disposition towards the United States; and yet that he had not been able to learn of any complaints, that the treaty formerly made with them had been violated, on the part of the United States. While he recommended that sufficient means be provided for the protection of the people on the interior frontiers, the President also urged Congress to adopt measures for preventing the people in the frontier settlements from intruding or making any aggressions upon the Indians. "Let us not be the aggressors," he said, "nor give any just occasion for complaints against us." The President, also, at this time, informed Congress, that in some parts of the Union great complaints and opposition were manifested to the system for raising a revenue from spirits distilled within the United States; and, as there had been unlawful meetings to oppose the execution of the laws, and threats of violence uttered, that he had issued a proclamation, warning the citizens of the evil and danger of such opposition to a law duly enacted by the national legislature. This opposition was chiefly manifested in the States where whisky was manufactured from grain; and the complaints were the loudest and the most extensive in Pennsylvania. The President referred also to the finances of the United States, and recommended additional measures, if necessary, to place the public credit on a sure and solid foundation. An exhibit from the treasury department, at this time, showed that the expenditures of the federal government, for 1789, 1790, and 1791, amounted to 3,797,500 dollars; the amount collected and received, 4,771,350 dollars; leaving a balance in the treasury, at the close of 1791, of 973,905 dollars.

The Senate and House of Representatives each returned answers to the President's speech, in which they declared their approbation of the measures he had adopted, and their determination to provide proper means of protection.

to the settlements on the frontiers; and of support of the laws of the Union, against any opposition which might be made to the due execution of them.

The answer of the House of Representatives to the speech of the President was clothed in the language of respectful approbation; and the majority fully acquiesced in the propriety of the policy and the course of the executive; but several members were opposed to some of the measures which had been adopted; particularly as to the Indian war in the West; and to some of the proceedings in the treasury department, which were under the direction and control of the President, and for which he was in a measure responsible, though only the conduct of the Secretary of the Treasury was expressly censured. President Washington was as averse to hostilities against the Indian tribes, if it could be avoided with safety to the settlers in that part of the Union, as any one could be; but he justly considered it the duty of government to afford means of protection to the citizens; and was of opinion that a large force which would appear formidable to the savages, and operate on their fears, would be more effectual to induce them to refrain from future aggressions, and to make peace, than a few troops, whom they would not hesitate to attack, nor much fear in the prosecution of their hostile designs on the frontier settlements.

As to the funding of the public debt, and the assumption of the debts of the States, which had been incurred for the common and general defence of the country, during the war of the Revolution, of which some complained, he believed justice demanded that the plans of the Secretary of the Treasury should be adopted. And the charge of an improper application, by the Secretary, of monies before appropriated by Congress, for the payment of interest, and a part of the principal of both the foreign and domestic debt, the President considered unjust, or unreasonable. The charge was, that he applied part of the loans, effected in Europe, to some other purpose than paying or diminishing the foreign debt, as had been indicated by Congress. But it was shown that convenience and good policy justified the conduct of the Secretary, in this respect; that payments had been made strictly according to the laws, though a part of an appropriation for one specific object, had been applied to a different purpose; and more also had been advanced on account of expenses of the Indian war than had been anticipated by Congress, when a law was made relating to the enterprise. The Secretary of the Treasury

was also accused of extravagance in the expenditures of the public monies; and it was even intimated, that a strict inquiry into his official conduct, would detect some defalcations. An inquiry was soon after instituted into his conduct, and the accounts of the treasury department; when it was found, that no improper appropriations of the public funds had been made, (other than a deviation as already noticed, of some specific appropriations to other objects than directed, and that with good judgment and perfect integrity,) and that the proceedings of the Secretary were wholly free from all evidence of embezzlement, of corruption, or of any dishonorable official act. Washington had full confidence in his incorruptible integrity, as well as his abilities. And the people generally imbibed the same opinion of Secretary Hamilton; while many considered his political views not so fully republican as they would prefer in a high public officer of the federal government. He was no doubt in favor of what some called a strong government; in favor of exercising the full powers granted by the Constitution; because he believed this was necessary to maintain the public credit, and to give respectability to the administration of the United States, both at home and abroad. But he duly appreciated that sacred charter of our national rights, and gave it his firm support; and there is no evidence that he was not sincerely attached to a republican government.

At this period, 1792, which was soon after any indications of the two political parties in the United States, which long unhappily continued, the different views and opinions of the highest officers in the executive department of the government, and with whom the President often found it necessary to consult, in deciding on public measures to adopt or propose, gave occasion for great regret among the patriotic citizens; and it was also a source of concern to the President himself. He addressed letters to them on the subject; and, with the Secretary of State, Mr. Jefferson, particularly, he expostulated on the evils of disunion among his confidential advisers. But this effort, so honorable on the part of Washington, was without avail. The political disagreement between the Secretary of State, and of the Treasury, continued and increased, and soon became personal and inveterate.

Mr. Jefferson coincided in opinion, with those who were originally opposed to the federal Constitution, as having too much power, and with that class of politicians who disapproved of the funding system, the assumption of the



State debts, and of the Excise Act; and who were disposed to restrain the authority of the executive within very narrow limits. It was also well known that he retained strong prejudices against the British government, founded in its former arbitrary conduct towards the colonies; while all his sympathies were enlisted in behalf of regenerated France.\* And it was apprehended that this would produce an evil political influence; especially as disputes had even then arisen between the United States and each of those great foreign nations; when harmony among the members of the administration was most important.

The Secretary of the Treasury, Mr. Hamilton, differed in opinion, on many political measures, almost entirely from the Secretary of State. He was, indeed, the projector of the leading measures designed to establish public credit on a firm foundation, and to provide effectually for the payment of the public debt, and to call forth the resources of the country for these important objects. He had also proposed an augmentation of duties on imported articles, when it was found that those before laid were inadequate. And he recommended the system of excise, or a tax on distilled spirits within the United States; which was particularly unpopular in the States where they were manufactured. On the other subject, which was the occasion of discordant opinions among politicians of that period, Mr. Hamilton entertained different views from Mr. Jefferson. He considered it important to the commercial, and, therefore, to the general prosperity of the United States, to maintain friendly relations with Great Britain; and he was unwilling to sacrifice either the peace or the interests of the nation, to his sympathies in favor of the patriots of France.

Few, perhaps, doubted the patriotism of either of these distinguished political characters. They had each rendered important service to the country, in the contest for liberty and independence; and, it was believed, that each was anxious to secure the welfare, and to promote the prosperity of the United States. The just and principal distinction to be made between them, probably, was, that the Secretary of State appeared more ready to consult and to

\* In a report on foreign commerce, made in 1791, by request of President Washington, Mr. Jefferson, then Secretary of State, advised to a more extensive trade with France, and to an increase of imposts on all British goods and products. And this report, no doubt, led to the regulations of Mr. Madison, in 1794, proposing such restrictions on the trade with England, as amounted almost to a prohibition of commercial intercourse with that nation.

take advantage of popular opinion and feeling, and to court the people, by the declaration of sentiments of regard for their rights and liberty; while the Secretary of the Treasury manifested a disposition to adopt such measures as he believed for the true honor, and the permanent welfare of the nation. And, in this feature of his public character, he strongly resembled the illustrious patriot, then at the head of the nation.

A strong opposition to the plan of raising a revenue from spirits distilled in the United States was manifested, soon after the law was first passed. During the year 1792 the opposition appeared to gather strength and to be more determined. Several meetings were held in the interior counties of Pennsylvania, at which resolutions were adopted, and sentiments expressed, alike dishonorable to the character of good citizens, and alarming to the government. The officers appointed to collect the duties were threatened, and deterred through fear of personal injury from discharging their public duties. And a large portion of the citizens, in the western parts of that State, appeared resolute in opposing the execution of the law, at every hazard. Their passions were highly excited by the clamours of individuals, who represented the law as arbitrary and oppressive, and even unconstitutional, and therefore not to be endured by a free people. Some of the members of Congress had predicted such complaints and such opposition, which seemed, however undesignedly, to excite or to increase them. But the support of public credit required a large revenue—and while every article imported, which could justly be considered a luxury, was highly taxed, it was found necessary also to resort to a tax, or excise, on spirits distilled in the country. And on none could the duty be more justly imposed, than on distilled liquors, altogether unnecessary for the support and comfort of the people. Had it been laid on bread or on grain, there might have been some reason for complaint and opposition. Even a direct tax on lands or houses, would probably have been reprobated, except in some extraordinary exigency. In the present case, the excise law had this justification, that the revenue from imposts was not adequate to the public expenditures for the support of government, and the payment of instalments and interest on the public debt as ordered by Congress; particularly for that year, as the war in defence of the frontier settlements had added greatly to the national expenses. It is the more remarkable, that such complaints were made against the measures of the federal government, by the citizens of Penn-

sylvania, as the troops were employed to protect the inhabitants in the north western parts of that State, as well as those settled in the territory beyond.

Desirous of using all proper means for checking this spirit of insubordination, and of preventing, if possible, its breaking forth into forcible opposition to the laws of the land, the President issued a proclamation exhorting the people to desist from all illegal acts and meetings, and calling on the good citizens to discountenance all violence and disorder: but his wise counsel and warning did not produce the effect intended, and which had been expected. The President had previously (May, 1792) been authorized by Congress to call out the militia to assist in executing the excise laws, if he should consider it proper—and the Governor of Pennsylvania had requested a similar measure. But the President had hopes that wise counsels would prevail over excited passions, and he was reluctant in employing the military to support the laws, till no other alternative remained.

During the year 1792, General Washington intimated to some of his most confidential friends, that he was desirous of retiring to private life, and proposed to decline a re-election as chief magistrate of the Union. His advanced age, and increasing infirmities had added strength to his inclination to seek repose from all public business. But he was persuaded to relinquish his personal wishes in this respect, and was a second time chosen President of the United States, by the unanimous vote of all the electors.\* Some strictures had been made on his political opinions and measures; as the Indian war on the western frontiers, the funding system and the excise law; and yet he had only approved these measures previously adopted or sanctioned by Congress. But the confidence of the great body of the people, in his patriotism and wisdom, was not at all shaken by any act of his administration. Those engaged in the business of distilled spirits complained of the laws laying duties on them, and of the President for attempts to support these laws. But it was well understood by most of the citizens that these complaints were uttered only by those interested in that traffic. The Secretary of the Treasury who had proposed the law, was severely censured, as if he were disposed rather to tax and oppress the people, than to guard

\* John Adams was also re-elected Vice President by a plurality of votes. But Gov. Clinton of New York received several votes, which were given by those who were originally opposed to the Constitution, and who disapproved of some of the leading measures of the federal government.

their rights, or to lay light burdens on them ; but the character of the President was too pure and lofty to be assailed by prejudice or party spirit. And yet strange to relate, soon after this period, such was the malignity, or the envy, or the ambition of a very few men, that Washington was insidiously censured, as wanting in republican sentiments, or in firmness sufficient to oppose the plans of the Secretary of finance.

When General Washington appeared in the Senate chamber to take the oath of office,\* required by the Constitution, on the fourth of March, 1793, he observed, "I am again called upon, by the voice of my country, to execute the functions of its chief magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the people of the United States. Previous to the execution of any official act of the President, the Constitution requires an oath of office. This oath I am now about to take, and in your presence, that if it shall be found, during my administration of the government, I have in any instance violated, willingly or knowingly, the injunctions thereof, I may, besides incurring constitutional punishment, be subject to the upbraidings of all who are now witnesses of the present solemn ceremony."

The office of the President for the first four years, imposed many arduous duties, and no little care and anxiety, in giving a proper direction to the measures and policy of the new government ; but the satisfaction of having performed this patriotic service was a sufficient reward for such a man as George Washington. The period, however, had arrived, or was approaching, when the misrepresentations of party was such, as induced many in the country, more or less publicly, to censure the official conduct of that illustrious patriot ; and thus to give great disquiet to one who deserved nothing but gratitude and confidence, and who had as keen sensibility of personal honor and reputation, as of moral rectitude, in his public duties. And what greatly imbittered the cup, now given him to drink, was a belief that one of the principal officers in his political family, was not displeased with, but probably encouraged, those unjust and cruel aspersions. Thus, with party disputes,

\* The oath was administered by William Cushing, of Massachusetts, an associate Justice of the Supreme Court of the United States, who was then in Philadelphia, Chief Justice Jay not being present. John Langdon of New Hampshire, was then President *pro tem.* of the Senate, and many members of Congress, which closed on the third of March, 1793, were also present.

among citizens of the United States, and hostile aggressions or threats from two great foreign nations, occasions occurred for the exercise of all his firmness and decision, in a wise and patriotic administration of the government.

Hostilities with the Indian tribes on and northwest of the Ohio river, were, indeed, happily suspended in 1793; those tribes nearest to the settlements by the citizens of the United States having entered into friendly and amicable treaties with the national rulers. But the spirit of insubordination, and of opposition to the excise laws continued in the interior of Pennsylvania, with unabated indiscretion, and some acts of violence, which required both prudence and energy in the chief magistrate; and the conduct both of Great Britain and France, towards the United States, was in several instances such as to demand the utmost caution and wisdom, as well as a correct knowledge of European politics, at that most interesting period.

The government of England was watching to take advantage of any error in our commercial system, for the benefit of that nation, and was disposed to assert all those principles of monopoly and exclusion, which it had long previously maintained in Europe. And in France a political revolution, commencing in 1789-90, with some favorable auspices, as if liberty was the sole object, and thus securing the sympathies of the republican citizens of the United States, was now raging with great violence, attended by various acts of oppression, injustice, and personal cruelty, so as to unsettle the foundation of society and good government; and this dangerous spirit of misrule, this rage for innovation, had an influence with the leaders of that nation, in their conduct towards all other governments. They insisted on the favor and aid of the United States, in the contest in which they were engaged with other European nations. They pleaded their own assistance, formerly granted to America, in the war for liberty and independence against England; and declared that the American citizens were bound to make common cause with France, then engaged in war with the *despots* of Europe, as they said all the monarchs in that quarter of the world ought to be considered. Had there been but one voice in the United States, both of the people and of their legislators, and that voice in harmony with the chief magistrate of the Union, dictated alike by patriotism, intelligence, and sound discretion, far less would have been apprehended, and far less the real danger to the liberties and peace of the country.

France and England had long been rival kingdoms, and

so frequent the wars between them for several centuries, that they were considered as *natural* enemies to each other. In the third and fourth years of the French revolution, which began in 1789, the factions which rapidly succeeded one another, the outrages and cruelties committed, under the sacred name of liberty, and the threats of that nation to spread their wild political opinions in other kingdoms of Europe, not only alarmed Great Britain, but led her to arm, for the purpose of checking the revolution, and of restoring, if possible, a monarchical government to that distracted country. In their hostility towards each other, the French and British rulers disregarded and violated neutral rights; and while the former insisted on the United States making common cause with them against monarchy, and especially against the British nation, the latter, supposing an undue partiality for France, in the Americans, committed depredations on their commerce, either to deter the United States from showing any favor to the French people, or to injure that nation, by preventing their receiving supplies from America.

A new minister was sent to the United States in 1793, to remind the people of their obligations to the French nation, and to demand gratitude and assistance on account of benefits received from that country in the war of the Revolution; and he treated the President with great disrespect, if not with insolence, by presuming to dictate what measures he should adopt to favor the views of France. And when he learnt the true character of Washington, who was resolved to discharge his duty to the country, rather than compromit the peace of the nation, he had the presumption to appeal to the people at large, and to demand their aid. There was but one step more to be taken to degrade and dishonor the national character; and that was taken by a certain portion or class of the people, in justifying the insolent interference of this foreign agent.

War had now taken place between France and England; and while many in the United States were disposed to take part with France, from motives of partiality to that nation, or considerations of policy, or a love of republican liberty, the greater portion of the best informed and most prudent were desirous of avoiding a close alliance with either of those nations, and for maintaining a neutral position. This was the decided opinion of President Washington; and, after consulting with the members of his Cabinet, and some other confidential friends, he issued a proclamation, prohibiting all interference by the citizens of the United States,

especially that of arming by sea or land, in aid of either nation against the other. The immediate cause of the proclamation was the arming of vessels, in some of the southern ports, belonging to the United States, with commissions from the French government and its agents, to commit depredations on the commerce of Great Britain.

M. Genet, then recently arrived as Envoy from the French government, to reside in the United States, authorized and encouraged these proceedings, so inconsistent with the character and policy of the federal administration, which had resolved to maintain neutral ground at that time. M. Ternan, the immediate predecessor of Genet, had conducted with great prudence and discretion, in his official acts and communications towards the American government. The present minister manifested a very different spirit. He brought with him from France, all the enthusiasm for liberty and revolutions, which then prevailed in that nation, and which would allow no intercourse with monarchical governments, but denounced them all as oppressive and tyrannical. Like the extravagant revolutionists in that nation, he demanded that all the friends of civil liberty should unite in war, on the side of France, and that the people of the United States, especially were bound to assist his nation. He could not brook opposition to this dangerous opinion, nor wait for the proper consent and sanction of the federal rulers; but assumed the right to dictate measures such as he wished; and when his plans were disapproved and declared improper by the President, he attempted, though in vain, to excite the people against the government. Happily, for the peace and honor of the United States, with all their love of liberty, the people had a just regard for civil order and legitimate authority; and they gave their approving voice to the course pursued by the executive, in frowning upon this presumptuous foreign agent.

On this difficult occasion, the President, with his characteristic prudence, sought the opinion of his Cabinet, to whom he submitted the following inquiries, in April, 1793,—“Shall a proclamation be issued for the purpose of preventing the interference of citizens of the United States in the war between France and Great Britain? Shall it contain a declaration of neutrality? What shall it contain? Shall a minister from France be received? and, if received, shall it be absolutely, or with qualification? And with what qualifications, if any? Are the United States obliged in good faith to consider the treaties before made with

France, as applying to the *present* situation of the parties? May they renounce them, or hold them suspended, till the government of France is *established*? If they have the right, is it expedient to do either; and which? If they have an option, would it be a breach of neutrality to consider the treaties in operation? If the treaties are now to be considered as in operation, is the guarantee in the treaty of alliance applicable to a *defensive* war only, or to war either defensive or offensive? Does the war in which France is now engaged appear to be offensive, or defensive, on her part? or of a mixed and equivocal character? If, of a mixed and equivocal character, does the guarantee, in any event, apply to such a war? What is the effect of a guarantee, such as that in the treaty of alliance (1778) between the United States and France? Should a future regent of France send a minister to the United States, ought he to be received? Is it advisable to call Congress together, with a view to the present posture of European affairs?"

These questions fully manifest the attention and anxiety of the provident mind of Washington, at this very critical period. He was sensible of the delicacy of his situation, as chief magistrate; and while he must have been aware that he was to give the tone to public measures, he was desirous of obtaining further light from others, than that which he found in his own reflections. The difference of opinion in his Cabinet was particularly unfortunate, in a situation so full of difficulty and doubt. Still he had the firmness to pursue such a course as he deemed just and proper, and at the same time such as promised to be most favorable to the interest and welfare of the country. He well knew, that clamors would be made, and censures heaped on his official character, for adopting a neutral policy; as indications had already been given in various parts of the country, in favor of uniting the destinies of the United States with those of the French nation, and of rushing into war with England, at every hazard.\*

\*The following toast was given at a festival in Philadelphia, in July, 1793, which was attended by respectable citizens, and the Governor of Pennsylvania was a guest. "May the sister republics of France and America be as incorporate, as light and heat; and the man who endeavors to disunite them, be viewed as the *Arnold* of his country. May honor and probity be the principles, by which the connections of free nations shall be determined; and no Machiavelian commentaries explain the text of treaties. The treaty of alliance with France, may they who would violate or *evade* it, be deemed *traitors*, and consigned to infamy. May remorse attend that man who would think of opposing the French, while they war for the rights of man. A dagger to the bosom of that man who makes patriotism a cover to his ambition."



The neutral position taken by the administration, as to the war now began between France and Great Britain, made it proper to forbid all naval armaments in the ports of the United States, and by citizens thereof, against either of the belligerent powers, and this was accordingly distinctly and expressly done, in the summer of 1793, by the President, in addition to his proclamation previously issued. The opposition party of that period censured the measure, as pusillanimous, as well as ungrateful to the French people, in whose friendship America had before largely shared. One or two public journals, under the control of his invidious political enemies, were incessant and shameless in their criminations. Washington did not condescend to notice these virulent attacks, in a public manner; but his private letters to some personal friends showed that he was not insensible to the cruel charges brought against his official character. He was not one of those politicians, who, if sustained by the majority, disregarded the complaints of other portions of the people; but being a sincere patriot and truly desirous of the prosperity, the welfare, and the liberty of the United States, he acted from honorable and pure motives, in public as well as private concerns, and to be represented as an enemy to civil freedom, or as regardless of his country's true glory, was therefore more than even he could bear without deep sensibility, conscious as he was of patriotic and upright intentions.

The public conduct of M. Genet, at first wore some semblance of moderation and propriety, for he declared France did not expect the United States to join that nation in the war with England. But his conduct soon after discovered a desire to excite the war fever; and if the measures he recommended to be pursued had not been checked by the President, war with England must have followed in a short time. He gave commissions to armed vessels in the ports of the United States to attack British vessels, and he assumed or claimed a right to appoint commissioners to decide on the validity of captured vessels brought into American ports. This was assuming a power belonging only to the supreme executive of the United States, and a jurisdiction in which none had due authority but the federal courts and judges.

When this presumptuous attempt to exercise authority within the United States, by a foreign agent, was justly rebuked by the President, the French Envoy became still more insolent; and more than intimated that Washington was a secret enemy to republican freedom, had exceeded

his constitutional power, and was justly obnoxious to the indignation of the people who had clothed him with civil authority. Genet also addressed an insolent letter to the Secretary of State, at this time, denying the right of the President to revoke his recognition and permission to M. Duplaine to act as French Consul in Massachusetts, which had been done on account of his improper conduct.

Genet impugned the authority of the President; and pretended that the state authority of Massachusetts, or the people, had the sole right to dismiss the consul. This minister of France was chargeable with several other similar acts of gross impropriety.

The President, therefore, requested the rulers of France to recall M. Genet. And soon after, his commission was withdrawn, and a successor appointed in his place.\* But if more prudent than Genet, he possessed much of his spirit; and like him urged upon the government of the United States the supposed obligations of America to make common cause with France, which it was alleged, was engaged in support of civil liberty and the rights of man.

The conduct of the British government, at this period, added to the difficulties with which the federal administration was surrounded. The forts on Lake Erie and vicinity, which should have been given up to the United States, according to the treaty of 1783, were still occupied by British forces, though the President had frequently complained of the high impropriety of their retention. Most of the States had also agreed to pay the debts claimed by a class of refugees, as the treaty provided. And as the States were sovereign and independent, when the treaty was made, the federal government had not an entirely undisputed right to enforce payment. It did recommend a compliance with this article of the treaty, and the States very generally admitted the justice of the measure, and made provision to pay the debts claimed. Still the western parts within the United States were occupied by the British, and it now became proper for the President to speak with more emphasis and decision, on the subject, to the Court of England. Another act of the British ministry added to the public reasons for calling on that nation to justify its conduct towards the United States, and a more express demand for justice and good faith. The British government had often advanced

\* M. Genet remained in the United States; and afterwards married a daughter of Mr. Clinton, Governor of the State of New York.

a doctrine relating to blockades, which the other nations of Europe denied, or admitted with reluctance, under peculiar circumstances. With a view to annoy and distress France, and perhaps, to restrict the commerce of the United States, the ministry of England issued orders, prohibiting the importation of grain and bread stuffs, as well as warlike stores, into the French ports, and authorizing the seizure of vessels carrying such articles; and thus subjecting a great portion of American vessels and their cargoes to detention and confiscation. The President of the United States expressly impugned this doctrine; and firmly remonstrated against it, as highly injurious to the commercial interests of the country. In May, 1793, the national convention of France adopted an order similar to that of the British above mentioned, in which it was declared, "that French ships of war and privateers may stop and bring into the ports of the republic such neutral vessels as are loaded either with provisions belonging to neutrals and destined to an enemy's ports, or with merchandise belonging to an enemy." "But so far was this order from affecting the the sentiments of America towards France, that it was scarcely noticed."\*

Another practice, allowed by the British government, and much resorted to at this period, which produced a great excitement in the United States, was the impressment of seamen, belonging to merchant vessels of other nations; though generally with the pretence that they were British-born subjects. And it was often extremely difficult to distinguish between those born in England and *bona fide* Americans. The citizens of the United States were thus, in many instances, pressed into the naval service of Great Britain. The rulers of England did, indeed, disclaim the right of impressing those who could prove that they were Americans; but this was of little avail in practice, such being the difficulty of producing immediate proof; and most of the British naval commanders, when in need of recruits, would not go into the inquiry, but conducted in a very arbitrary manner in this respect.

President Washington was sensible, that a crisis was approaching which would involve the United States in a war with England, unless another effort should be made to avert the calamity by negotiation. The British orders in council were highly injurious to the commerce of the United States, and the impressment of American seamen was still

\* Judge Marshall.

more irritating. It was no just excuse, that the French government captured American merchant vessels under similar pretexts, and treated the sailors with great severity and cruelty. The Envoy from the United States, at the court of London, had remonstrated, by order of the President, against the conduct of the British, but without effect. And the voice of the whole people was in favor of decisive measures with England for these aggressions.

In 1794, therefore, the President concluded to send a special Envoy to the court of London, to make known the great sensibility of the American government and people on this subject, and in a firm and manly spirit to seek redress; at the same time, to give assurances of a sincere desire, on the part of the administration, to maintain peace with the British nation. By this measure, General Washington displayed those great traits of character for which he had always been distinguished; which united, in a happy degree, firmness with caution, and warm patriotic feelings with just sentiments of national respectability and honor.

At the time the President nominated Mr. Jay as a special Envoy to England, which he stated to the Senate was a pacific measure, and which he had the hope would prevent war with that nation, there was a large party in Congress which proposed to coerce Great Britain to treat the United States with more liberality and justice, by suspending all commercial intercourse between the two countries. Resolutions for that purpose had been introduced into the House of Representatives by Mr. Madison, a very distinguished member from Virginia; and a leader of the party then opposed to the general policy and measures of the administration. These resolutions were in accordance with a report made by the Secretary of State, some time before; and were supported by those in favor of commercial restrictions and non-intercourse with England, rather than of further negotiation.

It was contended, that the refusal to trade with England, would greatly distress her commercial and manufacturing interests; and would soon induce her rulers to seek the friendship and secure the trade of the United States. The proposition, therefore, though made by the President to the Senate, as was constitutionally proper, for a special embassy to England, was opposed, in that body, by those not desirous of conciliating that haughty nation, as it was called. The propriety of the measure was also discussed in the House of Representatives, and warmly combated,

as inefficient and pusillanimous. And it was pretended that the adoption and execution of the resolutions for non-intercourse, would produce a better effect than an extra mission.

By the friends of the administration, it was contended, that the resolutions would irritate, rather than coerce Great Britain: that though it might produce some inconvenience to that nation, its resources and its naval power were such as to sustain her, though all trade were at an end with the United States: that the commerce of this country would suffer severely, and the effect be to prevent the prosperity of America, and greatly to reduce the revenue, so necessary to pay the public debt; and that a new attempt to negotiate would probably succeed, and thus the evils of war be averted.\*

A great constitutional question arose in 1793, relating to the powers of the federal courts, and whether a State was amenable to their jurisdiction. The question came up, on the occasion of the State of Georgia having been sued before a court of the United States, by a citizen of South Carolina; and Massachusetts, by an alien, and a subject of the King of Great Britain. The case in which the State of Georgia was defendant was brought before the court, and the majority of the Justices of the Supreme gave an opinion for sustaining the suit, as constitutional; which was founded in the second section of the third article of the federal compact; which gives the Judiciary of the United States authority to decide in "controversies between two or more States; *between a State and citizens of another State*; between citizens of different States; and between a State and the citizens thereof, and foreign States, citizens or subjects." One of the Judges, however, expressed doubts whether the Constitution intended to give such authority to the federal courts; as it would be a denial of the sovereignty of the States.

The suit commenced against the State of Massachusetts was not brought to trial; for the legislature, at a special session in September, 1793, called by the Governor, to consider the subject, soon after he had been served with a legal process, or notice, from the federal court, as a principal officer or agent of the State, to appear, and make answer

\* The members of the House of Representatives who opposed these resolutions, were Smith, of South Carolina; Smith, of Maryland; Ames, Goodhue, and Dexter, of Massachusetts; Hartley, and Fitzsimmons, of Pennsylvania; Tracy, and Hillhouse, of Connecticut; and others.

before the court, declined to answer. Similar notice was given to the Attorney General of the State, and served by the marshal of the United States. The Governor declined obeying the summons, or employing counsel; but issued a proclamation for an extra meeting of the legislature.

In his speech to the legislature, the Governor says,—“I cannot conceive that the people of this Commonwealth, when by their representatives in Convention, they adopted the federal compact, expected a State should be held liable to answer on *compulsory civil process*, to an individual of another State, or of a foreign kingdom. Three judges of the United States having given it as their opinion that the several States are thus liable, the question becomes highly important to the people.” After stating the consequences, which he apprehended would result from this doctrine, he suggested the propriety of preparing a proposition, by the legislature, for an additional article to the federal Constitution, in which the sovereignty of a State should be so far secured, as not to be liable to a civil suit in the Courts of the United States, at the instance of an individual, whether a citizen of the United States, or of a foreign country. He considered this the most proper course, and most for the peace and harmony of the Union; at the same time he expressed an opinion in favor of State rights, and of the sovereignty of the States, in all cases not expressly or plainly prohibited by the federal Constitution.

In this speech, the Governor also observed, “The great object presented to us by our political situation, is the support of the general government, and affording force and efficacy to its functions, without destroying the powers which the people have vested in and reserved to the State governments. A consolidation of all the States into one government would at once endanger the nation as a republic, and eventually divide the States now united, or eradicate the principles for which we have contended. It is much less hazardous to prevent the establishment of a dangerous or erroneous precedent, than to attempt to contravene it, after it has obtained a place in a civil constitution.”\*

The legislature sustained the views of the Governor, by a large majority, though several members of talents and learning contended that a State was liable to an action in a civil suit; that it ought to do justice according to the decision of an impartial tribunal; that there was none other,

\* Governor Hancock died the first of October, at the age of 56, and only ten days after this meeting of this legislature; greatly lamented as an ardent patriot and a sincere republican.

for such purpose than the Courts of the United States, and that the opinion of the Judges of that Court was correct. The resolution passed by the legislature of Massachusetts, on the occasion, was as follows—"That a power claimed, or which may be claimed, of compelling a State to become a defendant in a Court of the United States, at the suit of an individual, or individuals, is (in the opinion of this legislature) unnecessary and inexpedient; and, in its exercise, dangerous to the peace, safety, and independence of the several States, and repugnant to the first principles of a federal government." A resolution was also adopted by the legislature, to instruct the Senators and to request the Representatives in Congress from Massachusetts, to use their efforts for obtaining an amendment to the federal Constitution, which should prevent a State from being amenable, in a civil suit, to the Courts of the United States. In 1794, Congress proposed such an article to be added to the Constitution; and in 1798, it was officially announced by the President of the United States, that the requisite majority of State legislatures had approved and adopted it. It is the *eleventh* article of those added to the Constitution; and it is as follows—"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

## CHAPTER IV.

Third Congress, December 1793. Fears of War with England or France. President's Speech. Debts of the Separate States. Comparison of them. Mr. Jefferson resigns his Office as Secretary of State. Judge Jay's Special Envoy to England. Jealousy of that Nation. Portugal. Algerine Depredations. Embargo. Regular Troops of the United States Increased. Difficulty with Spain. Discontents and Opposition in Pennsylvania. Firm and Mild Measures of Federal Executive. Second Session of Third Congress. Power over Militia. Discipline of them. Reduction of Public Debt Urged. Opposition to the Administration.

WHEN the third Congress met, December, 1793, (consisting of about 110 members,) the public mind was highly anxious respecting the destiny of the country; through fear of a war with France or England, against both which there was just causes of complaint, and by the excitement of national pride and honor, at the highly improper interference of the French minister with the measures of the federal government. The speech of the President to the national legislature, on this occasion, "was moderate, firm, dignified and interesting."\* He first referred to his re-election, to which, he said, he had consented by the pressing request of many of his most judicious friends, contrary to his own inclination; and he expressed the hope, that his services might be useful and acceptable to his fellow-citizens. He then referred to his proclamation of neutrality in the present crisis, as he deemed it an imperious duty to admonish the citizens of the consequences of a contraband trade, as well as of all hostile acts towards either of the belligerent nations in Europe. He recommended that the country be put in a state for efficient defence against any foreign invading foe; and he also referred to the very improper and offensive conduct of the French minister near the United States.

The answer of both Houses of Congress were expressive of their entire confidence in the upright views of the President, and of the correctness of the measures which he had adopted. And while strong feelings of indignation were displayed by the majority respecting the extraordinary conduct of the French minister, as disclosed by the Pres-

\* Marshall.



ident, no one appeared so lost to sentiments of national honor, or a regard to the welfare of the country, as publicly to offer any apology for him. Anonymous writers in some newspapers, however, vainly attempted to justify or to excuse his conduct.

During this session, the Commissioners appointed to examine and adjust the accounts of the several States, for expenses and advances in the war of the Revolution, made a report to Congress; in which was stated the balances due to each. The creditor States were seven; Massachusetts and South Carolina had the greatest claims, amounting to 1,200,000 dollars each; the other creditor States were Connecticut, New Hampshire, Rhode Island, New Jersey, and Georgia; all the other were debtor States.

When the act for an excise, or duty, on carriages was discussed, it was objected that it would operate unequally; that it was of the nature of a direct tax; and should, therefore, be imposed on all; and that no tax but of this character could be constitutionally collected. Mr. Sedgwick, of Massachusetts, maintained that the Constitution, not only allowed Congress to lay duties and imposts, but taxes and excises; that direct taxes were to be laid according to the ratio of population; but that an excise was rather of the nature of imposts, as it was raised, not on articles of necessity, but of superfluity and luxury, and was therefore voluntary; and that an excise on pleasure carriages was as proper as a duty on wine or tea, and would fall only on the rich. The real objection, with many, to this mode of raising a revenue, was, that it had been proposed by the Secretary of the Treasury, Mr. Hamilton, in his report, all whose plans were opposed by certain members of Congress. It was also popular to clamor against an excise; the name even being odious to the people in most parts of the country.

Towards the close of the year 1794, Mr. Jefferson, the first Secretary of State, resigned his office, and retired from the administration of the federal government. He had entertained different views from the President and the majority of the Cabinet, on some of the most important measures proposed and adopted by Washington. It was also supposed that he was induced to this act by finding that Mr. Hamilton, the Secretary of the Treasury, had more influence with the President than himself. By the request of General Washington, Mr. Jefferson remained in office several months, after he tendered his resignation. Washington was under an undue influence from no man; but he considered the

plans and views of the Secretary of the Treasury, and of War, more correct for vindicating the honor and welfare of the United States, than those of Mr. Jefferson and Mr. Madison. General Knox, the Secretary of War, had no unpleasant collisions with, nor personal jealousies of the Secretary of State, but he had perfect confidence in the patriotism and wisdom of the President.

In April, 1794, the President nominated to the Senate, John Jay, then Chief Justice of the Supreme Court of the United States, as Envoy Extraordinary to the Court of London; and he expressed his opinion to that body, that the crisis demanded such a measure—that he had no want of confidence in the minister from the United States then near the British Courts, (Mr. Pinckney of South Carolina,) but that a special Envoy might have an additional influence with the government of England; and that if he were unsuccessful in his efforts to preserve peace, and to induce that nation to do justice to the United States, the duty of a resort to force, in defence of our rights, would be manifest to the world, and that but one opinion would prevail among the American people on the subject.

In addition to the reasons for such a mission, to which reference has already been made, a peace had taken place, by the advice and influence of the British ministry, between Portugal and the Dey of Algiers—and the vessels of the latter were thus at leisure to depredate on the commerce of the United States. They took several vessels belonging to American citizens, confiscated the cargoes, and imprisoned the crews, or obliged them to work in their galleys. So jealous were many persons in the United States, at that period of the inimical disposition of England towards this country, that they attributed the peace between Algiers and Portugal to a design in the British Cabinet to harass and distress the navigation and trade of America. This, however, was disavowed by the British ministry, and probably was not a premeditated plan. But no one who was impartial in his feelings, could hesitate to acknowledge, that the Court of London was disposed to find a plea for imposing restraints on the commerce of the United States, whether it were in friendship to other nations, or from hatred to France, with which it was at war.

In the dispute with Spain at this period, the interests of the United States, especially of the western parts, on the Mississippi, were deeply involved; and the citizens of the newly formed State of Kentucky, complained that their rights were not duly regarded by the government. They

meditated an attack on the Spanish settlements on that river; to which they were instigated or encouraged by M. Genet, the French minister. They were even more unreasonable in their complaints, and more precipitate in their movements than the people of Maine, at a very recent period. They resolved on the enterprise, and made preparations to conduct it, without consulting the federal executive; thus hazarding the peace of the United States for their own peculiar interest. Efforts had long been previously but unsuccessfully made to form a treaty with Spain, respecting the bounds between her territory on the Mississippi and the United States. In 1794, Mr. Pinckney, then resident minister at the British Court, was sent to Madrid, and in a few months agreed on a treaty with the Spanish government, which was accepted and exchanged in 1795, by which the controversy was happily adjusted, and the free navigation of the Mississippi was secured to the citizens of the United States.

The dangers, which then threatened the United States, both from England and France, neither of which discovered a friendly, or conciliating spirit towards this country, had induced the President to recommend measures for defence, should the exigency unfortunately occur to make such preparation proper. During the first session of the third Congress, and in April, May, and June, 1794, several acts were passed for this purpose. The depredations on commerce were so great, that an embargo was laid in April, for the term of thirty days; and at the expiration of that period, for thirty days more. And before Congress adjourned, which was in June, a law was passed authorizing the President to impose and revoke embargoes, during the recess of the federal legislature, and to extend only fifteen days after the beginning of the next session. An Act of Congress was passed at this session, for raising seven hundred and sixty officers and privates, for artillery and engineer corps, should the executive please to adopt such a measure. And the President was also authorized to call on the Governors of the several States for the militia, if circumstances should render it necessary for the defence of the country; to the number of eighty thousand in the whole. But it was provided, that each State executive or authority should appoint the officers of the militia. Authority was likewise given the President to repair and erect fortifications at various points on the Atlantic seaboard, from Portland to Savannah, and sixteen places were named for that purpose. He was further empowered to build or

purchase ten vessels of war for defence. An augmentation of duties on some imported goods was laid at this session ; and an excise on pleasure carriages ; on the retail of wine and foreign distilled spirits ; and on sales at auction. By this Congress also, an act was passed in June, declaring it to be a crime against the United States, with heavy penalties annexed, for any citizen to accept and exercise a commission to serve a foreign Prince or State, in war, by land or sea ; or for any person, within the territory or jurisdiction of the United States, to enlist or enter himself, or to hire or retain another person to enlist and enter himself in the service of any foreign Prince or State ; or to convey him beyond the limits of the United States, so to enlist and enter on board any vessel of war, privateer, &c. The fitting out of vessels in the ports and harbors of the United States, or giving commissions to persons to command them, which were intended to commit depredations, on other nations or subjects thereof, were also constituted crimes or high misdemeanors. While the bill for this purpose was before Congress, it met with warm and powerful opposition from those who were friendly to the French nation, and wished to unite the destiny of the United States and France in the great cause of liberty, and who had disapproved of the neutral policy of the President. In several stages of the passage of the bill, the number in the Senate against was the same as that for it, and was decided by the vote of the Vice President, who is allowed to give a vote only when the Senate is divided on any question. The bill was at last passed by his casting vote ; and, but for a singular circumstance, the vote would have been against it by a majority of one.\*

Before M. Genet, the French minister, was recalled, besides other highly improper acts, as interfering with the measures of the President, directing the arming of vessels in the ports of the United States, and giving commissions to persons to command them, to capture British vessels ; he projected an attack on the Spanish territory and settlements on the Mississippi, and instigated a number of the citizens of the Union to engage in the enterprise without any authority from the federal government, and at the direct hazard of a war with Spain. He sent agents to the new State of

\* Mr. Gallatin was then a Senator from Pennsylvania. But his seat was declared vacant a very short time before the vote on the bill ; it having been objected and proved that he had not been a citizen of that State for the number of years required by the Constitution.

Kentucky, with directions to raise men to go against New Orleans, and other places in possession of Spain, whose title to the river and country adjacent was then undisturbed. The people of Kentucky readily promised to engage in this unlawful expedition; and the Governor of the State, with most of the public men, encouraged the hostile project. They presented a petition to the President, and requested aid from the regular army; and when this was declined, they complained of him as unfriendly to the liberties of the people, and insisted that the federal government ought to dispossess the Spanish by force, and demand the free navigation of the Mississippi by the citizens of the United States. They had caught the disorderly spirit of the French minister, from his agents, sent among them; and seemed resolved to involve the country in war with Spain, by invading her rightful territories. The cares and anxiety of the President were much increased by this strange conduct; but his united firmness and prudence put a stop to the projected enterprise, and averted a war with the Spanish nation.

The opposition to the act of Congress, for an excise or duty on distilleries and on spirits distilled in the United States, had now been manifested in the northwestern counties of Pennsylvania, for two years; and notwithstanding the proclamation of the President, and other measures, short of military force, which had been adopted, to warn the people against all further attempts or threats to prevent the execution of the law, the conduct of the discontented became more and more violent, accompanied by resolutions publicly made, that the excise should not be collected, and that they would oppose all efforts on the part of the federal government, to carry the law into operation. The President issued a second proclamation, to prevent, if possible, the further disorderly acts of the discontented, and to leave no suitable measure untried on his part, to preserve the peace of the community. But in his firm resolution to sustain the law and to support the authority of the government, he did not waver or hesitate. As authorized by an act of Congress, agreeable to a clause in the Constitution to call out the militia to execute the laws of the Union, he made requisition for twelve thousand men, and soon after for fifteen thousand, on the Governors of Virginia, Maryland, Pennsylvania, and New Jersey, to be in readiness for marching at his command, to quell any insurrectionary force which might appear to oppose the due operation of

the laws.\* Still, a preliminary measure of a pacific character was adopted, which was the appointment of commissioners, to be joined by such others as should be selected by the Governor of Pennsylvania; who should proceed to the discontented counties, offer pardon for past disorders, and confer with a committee from the disaffected citizens, for the purpose of terminating the opposition, which had disgraced the character of the nation, and threatened to destroy entirely the authority of the general government.

The second session of the third Congress was began and holden at Philadelphia in November, 1794, the time fixed by law before the adjournment in June of that year. The speech of the President to Congress on this occasion, referred particularly to the insurrection in Pennsylvania, and to executive measures for suppressing it. The constitution makes the President of the United States Commander in Chief of the militia when called into the service of the Union; and in this capacity, he had visited the places of general rendezvous, to obtain full and correct information, that his future movements with the militia might be the most proper and efficient. While he found among some of the people a spirit inimical to all law and order, he was gratified, he said, to observe the alacrity and promptitude with which the citizens generally came forward to assert the dignity of the laws; thereby furnishing an additional proof that they understood the true principles of government and liberty, and were convinced of their inseparable union. But let the people, he added, "persevere in their patriotic vigilance over that precious depository of American happiness, the Constitution of the United States. And when, in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who arouse cannot always stay a civil convulsion; have disseminated, from an ignorance or per-

\* This act of Congress for calling out the militia to execute the laws of the Union, &c. provided that the President might employ the militia of other States, if the militia of the State wherein the combination and opposition existed, should refuse, or be found insufficient. It also provided as a preliminary to a call for the militia in such cases, that an associate justice, or a judge of the district court, should certify, that there was an opposition to the due execution of law, which could not be suppressed without employing the militia. The President was duly certified, that such was then the fact; and it was also represented to him that the aid of militia from neighboring States would be necessary. The expenses of suppressing this insurrection was \$ 1,100,000.

version of facts, suspicions and jealousies, and unfounded accusations of the whole government."

This systematic and determined opposition to law, in a large portion of the citizens, was a matter of deep regret to the friends of a republican government. It was evidence of very crude and erroneous notions of civil liberty, which, if not corrected, would soon produce a state of complete anarchy. Surely it needed but little reflection, to have convinced even the common class of people, that the public debt, necessarily incurred in the war of the Revolution, must be paid, and the expenses of government promptly provided for. The defensive war, on the western frontiers, against the Indian tribes, who were destroying the peaceable citizens in that section of the country, was also justified by considerations of humanity, as well as from a regard to future national prosperity; and the measure required a large increase of taxes or revenue. But the people were persuaded into the belief, that the excise originated in views, similar to taxes imposed on them by the British parliament, in 1775: that it was an oppressive and needless burthen, which, as freemen, they ought not to bear. So liable are the people to err; especially under new burthens, and when party politicians are busy in the work of misrepresenting the views of rulers, and in exciting the passions of the uninformed.

The conduct of the President, on this occasion, as well as that still more embarrassing one, presented by the treatment received from England and France, was a model for all rulers and statesmen, who are chiefly desirous of the welfare of their country. His energy and firmness of character were sufficient for the crisis, in both cases; while his prudent and conciliating course satisfied the impartial and reasonable, among both foreign and domestic aggressors. In his hands, the honor and respectability of the nation were perfectly safe; nor was its welfare less secure, guarded by his wisdom and moderation. He was resolved to support the dignity of government, and to maintain the constitutional liberties of the people. Clamours and censures, from temporary excitement, or from mistaken views of his upright and patriotic purposes, did not move him; he sought chiefly the true and permanent prosperity of the Union, and yet he was not indifferent to the approbation of the intelligent and virtuous portion of the community.\*

\* The sound views of the President, on this occasion, are concisely expressed in a letter to one of his particular friends. "The real people, suddenly as-

The President embraced this occasion for recommending a permanent system, by Act of Congress, for regulating the militia; for arming, organizing and disciplining them; and thus, "to provide for calling them forth, to execute the laws of the Union, to suppress insurrections, and to repel invasions." He, as well as most other citizens in the republic, even those who had assumed the military character in defence of civil liberty,\* were averse from a standing army, and deemed a well regulated militia, consisting of citizen-soldiers, the only safe and proper substitute, under a free republican government.

In his speech, the President also referred to the relations of the United States with foreign powers, and to the measures he had adopted in this respect, during the recess of Congress. Nor did he omit to invite the attention of the legislature to the important subject of the national finances. He recommended the adoption of some system for the gradual reduction of the public debt, and depicted the evils both to government and the people, from an accumulation thereof, which he apprehended, unless rigid economy were observed in the public appropriations, and means were prepared for diminishing the national debt, even on the condition of an additional impost in some cases.

The Senate expressed their approbation of the measures which had been pursued by the Executive, and of the views which were suggested in the speech: but there were several dissentients in that branch of the legislature, as to the force employed in quelling the insurrection in Pennsylvania; and the policy pursued towards the French and British governments. In the House of Representatives there was a small majority opposed to the views and measures of the President; and the answer of that body to his speech, was far from expressing a full approbation of the sentiments advanced or the measures recommended. Indeed, no direct reference was made to the insurrection and its suppression, though its fortunate termination was

sembled to express their opinions on political subjects, ought never to be confounded with self-created societies, assuming the right to control the constituted authorities, and to dictate to public opinion. While the former are ever entitled to respect, the latter is incompatible with *all* government; and must either fall into general disesteem, or finally overturn the established order of things."

\* It is believed that very few, if any, native citizens of the United States, were in favor of a standing army. When the Society of Cincinnati was formed, in May, 1783, at the close of the Revolutionary war, one consideration, one fundamental principle was, "to inculcate to the latest ages, the duty of laying down, in peace, the arms assumed for the national liberty and welfare."



just cause of gratitude with all good citizens, and the conduct of the Executive deserved high commendation. The majority also declined to express any censure on self-created societies, referred to in the speech, as the causes, or occasions of dangerous opposition to government. These societies were then in great favor with the ardent friends of the French Revolution; and it was not till the fall of Robespierre, the chief of a violent and sanguinary faction, in that country, that the Jacobin Clubs fell into discredit both in France and in the United States. Here, as there, their influence had well nigh overturned the government, and opened the flood-gates of misrule, of cruelties, and outrages, which would disgrace the most barbarous nations. In rejecting, by a small majority, an amendment proposed to the reported answer to the speech of the President, the House also refused to give its sanction to his conduct towards England and France, and especially as to the embassy to the former, under Mr. Jay.

While several important measures of the President were unnoticed, or referred to with implied disapprobation, by the House of Representatives, they professed a readiness to favor any practicable plan for the reduction of the national debt. But the difficulty was perceived, by both parties, of an efficient system, without an increase of imposts or a direct tax, both of which would probably excite new complaints and opposition. Direct taxes are always unpopular, while those collected imperceptibly by way of duty on imported goods, are voluntary, and generally paid with little discontent. The plan of a direct tax, was not approved, and it was deemed impolitic to increase the excise. Nothing therefore presented for an augmentation of the revenue, but an addition to the duties on foreign manufactures and products. And these were already very high, having been augmented after the first Act for that purpose, passed in 1789. The bill, introduced into the House, for the purpose above mentioned, though warmly, and for a long time opposed, was passed, with some modification; which provided however, for a duty on sugars refined, and tobacco manufactured, in the United States.

The opposition to the policy and measures of the administration, which had been gathering strength for some time, now became so powerful, as on several occasions, to decide the vote, in the House of Representatives, against the plans recommended by the President. Neither his patriotism, nor his love of civil liberty, could indeed be doubted; but the wisdom and expediency of his public conduct, relating

to some highly important subjects, were called in question. But it was very evident, that party feelings and prejudices had too much influence with those who condemned the measures of the Executive. After the excitement of the day, when men were governed more by their feelings than their reason, the wisdom of the President's conduct was more fully approved and admired. The suppression of the insurrection, growing out of an opposition to the excise laws, by the militia, after great forbearance and repeated attempts to dissuade the people from such dangerous combinations, was seen to have been indispensable to the welfare of the Union. And the measures pursued by the administration, for maintaining a neutral position, as to the two belligerent nations of Europe, and for averting war with either, were allowed to have been the most proper and effectual, both for the honor and the commercial prosperity of the United States. The firmness of the President prevented hostilities with the great maritime power of England, and saved the country from an alliance offensive and defensive with revolutionary France, which, at that period of anarchy and misrule, would have been fatal to the peace and prosperity of the country. In reply to the speech of the President, at this time, (Nov. 1794,) and in the debates on subjects suggested to their consideration, the language of members was almost invariably respectful towards him; but his measures were attacked, by severe and often bitter censures on the Secretary of the Treasury, who it was pretended originated them, and was supposed to have undue influence over the mind of the Chief Magistrate. The talents and public services of the Secretary were so eminent, that the discernment of the President could but highly appreciate them; but he had too much self-respect, as well as practical wisdom, to be under an undue influence from any man. With a great degree of sensibility and strong feelings of personal honor, with health much impaired by incessant devotion to public duties, and with the desire of attending more closely to his own private business, for the benefit of his family, Mr. Hamilton retired from the treasury department, on the first of January, 1795; having some months before, given private notice to the President, of his wish to resign.

The resignation of General Knox, who was the first Secretary of War, under the federal government, soon followed. He too, had received the reproaches and censures of the opposition, on the pretence of extravagance in the expenditures of public monies, and of indulging in theories

inconsistent with that rigid economy which was necessary in the republic, already burthened by a heavy debt. Perhaps his views were less practical than those of Hamilton, but his probity, either as a public or private character, was never doubted, and his love of republican liberty was most sincere and ardent. During the war of the Revolution, he had acted a useful and conspicuous part; and by his liberal and magnanimous disposition had won the esteem and affection of General Washington. And such was his confidence and admiration towards that illustrious citizen, that, instead of officiously advising him, except when his opinion was expressly desired, he was always ready to follow the course pointed out by his chief.\*

If the mission of Mr. Jay, to the British Court, to preserve peace with that nation, and to agree on a commercial intercourse between that country and the United States, was opposed as being humiliating on the part of the federal government, the treaty, to which he assented, and which the President submitted to the Senate for their approval, was even more generally condemned as dishonorable to the character of the nation, and highly unfavorable to its interests. No express provision was made for preventing impressments from American merchant vessels, which had been a subject of great and just complaint; the obligation to pay the debts due to the refugees, to which some States had objected, was renewed and recognized; and great restrictions were laid on the trade of the United States to ports in the British West Indies, which it was believed would operate very injuriously on the navigation and commerce of the country. Only American vessels, under one hundred

\* In his letter of resignation, the Secretary of War, observed,—“ In whatever situation I shall be, I shall recollect your confidence and kindness with all the fervor and purity of affection, of which a grateful heart is susceptible.” The President said, in reply, on receiving his resignation,—“ I cannot suffer you to close your public life, without uniting to the satisfaction which must arise in your own mind from conscious rectitude, assurances of my most perfect persuasion that you have deserved well of your country.” Col. T. Pickering, a very distinguished officer in the Revolutionary war, and at the time, Postmaster-General, was appointed Secretary of War, in the place of General Knox, in 1795; and Oliver Wolcott, of Connecticut, was placed at the head of the Treasury department. Edmund Randolph, sometime Attorney-General, had succeeded Mr. Jefferson as Secretary of State, the year before, and William Bradford, of Pennsylvania, was appointed his successor. Near the close of 1795, Mr. Pickering was advanced to the office of Secretary of State, on the resignation of Mr. Randolph, who found it proper to withdraw from the Cabinet, on account of the detection of his confidential correspondence with the French Minister, which the President highly disapproved. Mr. Mc Henry of Maryland, was also then made Secretary of War.

tons, were permitted to enter the British ports in the West Indies, with cargoes from the United States; and there was not so fair and full reciprocity relating to commerce as was justly desired. It was certainly far preferable to war; and seldom, indeed, are either the prosperity or welfare of a nation advanced by that last resort; for the effect would have been the ruin of commerce, and an immense public debt, which would have distracted and oppressed the people for many generations.

Meetings were held in many seaports in the United States, and the terms of the treaty reprobated even by those who had before approved the measures of the President; and who were entirely disconnected with the secret societies, which had most unjustly condemned all the public acts of the administration. But these hasty expressions against the treaty, before it was published, and when its terms were greatly misrepresented by a few disaffected individuals, were soon succeeded by a loyal acquiescence in the great body of the people, who became satisfied that it would operate more favorably than was at first apprehended; and especially on learning that it was approved and confirmed by the Senate, the constitutional branch of the government, whose prerogative it is, united with the President, to form treaties with foreign nations.

There were serious objections to several articles of the treaty with the Senate; and after eighteen days consideration it was conditionally accepted, and that only by the constitutional majority. After this opinion of the Senate, the President took several weeks to reflect on the subject, before he gave his consent to its ratification. And then a strong memorial against the British order, subjecting to seizure all articles of provision, destined to French ports, was prepared to accompany the communication of the approval of the treaty. The British order was revoked, and the ratification by that government followed. The Secretary of State, Mr. Randolph, was opposed to the treaty; but the other members of the Cabinet advised to its acceptance, with a remonstrance against the order relating to provisions.

But though the treaty, made with Great Britain, by Mr. Jay, was accepted by the Senate and President, and, therefore, so far as it extended, had become the law of the land, and an obligation imposed to fulfil its conditions by Congress, great efforts were made to prevent the execution of some of its provisions on the part of the United States. Appropriations were necessary to be made by the legisla-

ture, for carrying into effect certain Acts, stipulated to be performed on the part of the federal government. These appropriations were opposed, at the hazard of violating the treaty, and of thus giving occasion for just complaint by the British Ministry. It was said by the opposition, that there was no other method of preventing the operation of a treaty, made by the President and Senate, of the most injurious or dishonorable terms, but in the refusal of the Representatives to make the appropriations required: and as the popular branch of the government, they ought to have a voice in such a case. But it was urged, by the friends of the administration, that the Constitution gave the treaty-making power exclusively to the President and the Senate; and that, if a treaty, duly ratified by them, were disregarded, and any omissions to fulfil its provisions, deliberately sanctioned by another branch of the government, the character of the nation must greatly suffer; and no faith, no security could be justly given to a foreign power, for the observance of any treaty or compact entered into with the United States. After a long and angry discussion of the subject, in which the President did not escape equally unjust and dishonorable reproaches, as the enemy of republican freedom, and the secret friend of monarchy, the necessary appropriations were made by a vote of a small majority; several who were opposed to the treaty, and desirous of a close alliance with France, even at the hazard of a war with Great Britain, joining with the friends of the administration, from convictions of the bad faith which might otherwise be charged on the nation.

This was considered highly honorable to the opposition, and gave evidence that party feelings did not govern on all occasions. Had the motion prevailed which was offered for withholding the appropriations required by the treaty, the consequences would have been most disastrous to the United States.\* It would have provoked England to retaliating and hostile measures, of incalculable injury to America; and shown to the rulers of revolutionary France, that the federal government was to be the servile instrument of their will. The long established character of the President for patriotism, and his decision and firmness, at this

\* Mr. Ames, of Massachusetts, spoke in favor of appropriations for carrying the treaty into effect, with surpassing power and eloquence; and probably produced an influence with several members of the House to support the measure. With a clear head and a pure mind, he could not but perceive both the moral and political obligations of fulfilling the conditions of the treaty.

critical period, saved the American Republic from a contest, which her liberties probably would not have survived.

This unhappy division among the citizens of the United States continued, with more or less of opposing views, on political measures, for a long period. As in all parties, there were no doubt honest and patriotic individuals in each great division; and some who were unduly influenced by selfish considerations, or strangely governed by their prejudices. Those charged with a preference for monarchy, or with a desire to join with England to put down the rulers in France, were no doubt, unjustly accused. They were sincere republicans: they had exhibited the strongest proofs of their attachment to civil liberty, by their personal services and sacrifices. But they were alarmed by the extravagant conduct of the French nation, and had great reason to fear danger to the republican institutions of the United States, if the levelling doctrines advocated in that country should prevail in this. And it would be equally uncandid perhaps to suppose, that all those who were opposed to the measures recommended by Washington, and who expressed a strong sympathy in favor of France, were enemies of their own country, and would rejoice to see its government overturned. They had, indeed, mistaken notions of republican freedom, and laid less stress on the importance of constitutional authority and a settled order of political affairs than was proper, especially at that period of dangerous innovation and misrule. When such characters as Washington, and his associates in power, at that period, whose lives have given the strongest proof of devotion to liberty, and to their country's welfare, do not inspire confidence and secure support to government, there can be no stability in a republic; and political power will soon fall into the hands of the selfish and unprincipled.

The depredations on the Commerce of the country, by the Dey of Algiers, as well as the importance of providing protection for the interests of those engaged in navigation, liable as they were to injurious treatment from the nations of Europe then at war, led to a proposition for increasing the naval force of the United States. The administration was decidedly in favor of the measure; and the President had recommended the subject to Congress, early in 1794. There was, however, great opposition to it, on account of the expense, and it would be impossible, in a short time, to prepare a navy, which would be adequate for defence and protection against such powerful nations as Great Bri-

tain or France. It was the opinion and policy of some statesmen, then high in public estimation, that it would be unwise to attempt to create and maintain a navy sufficient to coerce the maritime powers of Europe, or to defend the United States from their depredations: and that it would be most for the security and prosperity of the United States, for the citizens to confine their labors to agriculture, and to allow all trade with foreign countries to be conducted by their own vessels. But a law was passed in 1795, for the building of three frigates, which was far less of a naval armament, however, than had been contemplated by the administration.

An additional law was enacted in 1795, on the subject of naturalizing foreigners or aliens, who came into the United States with the intention of becoming permanent citizens. A longer period of residence was now required than by a former law on the subject; and a formal notice was made necessary before a Court of Record, with an oath to support it, of the intention or desire of any one to become a citizen, three years previously to his admission. And five years residence was required of those thereafterwards coming into the United States, as well as an oath to support the federal Constitution, and a solemn renunciation of allegiance to all foreign States and governments. Only two years residence was made necessary for those already in the United States; but it was required of all that they relinquish any hereditary title, or order of nobility, which they might have borne in the country from which they came.

In 1802, under the administration of Mr. Jefferson, the provisions of this law were modified, so as to facilitate the naturalization of aliens who desired to become citizens of the United States.

At this comparatively early period of the federal government, there were some instances of defalcation in public officers who were collectors and receivers of the national revenue; but very few indeed, had then occurred; and a law was passed by Congress to hold all such officers to a frequent and strict accountability to the treasury department. On any delinquency in such officers, it was made the duty of the Comptroller to require a settlement of their accounts; and if a prompt compliance did not follow, to institute legal prosecutions against the defaulters. Had such a course been continued, with fidelity and energy, by the government through the high officers in the treasury department, many millions would probably have been saved to the nation. It was early recognized as an important

principle in the American republic, that the agents for collecting and receiving the public monies should account therefor at short and stated periods.

The subject of "internal improvements," so far as related to post roads, was discussed in February, 1795, but not so fully as at a later period; and no formal opinion of Congress was expressed, so as to be a precedent for future appropriations for such purposes. A survey for a route to convey the mail from Maine to Georgia, was proposed by Mr. Madison; but it does not appear that his opinion was settled in favor of the constitutionality of the measure; for he did not urge it; and he admitted that the expense would be very great. He said it was the commencement of an extensive work; and he did not wish to decide at that time. Several other members spoke in approbation of the measure, as one highly conducive to the public convenience. Appropriations of the public funds for such an object, or for a great national road, like the Cumberland, designed to facilitate the travel from the Atlantic to the western section of the United States, have been advocated since, by those opposed to internal improvements for sectional objects, and such as would be local or partial in the conveniences they would afford. It is matter of surprise that there should have been any question as to necessary post roads.

The first session of the fourth Congress continued till June, 1796, and was then adjourned to the first Monday of December following. Besides the proceedings of the national legislature, already noticed, other important acts were passed, giving improvement and stability to the federal government, for doing justice and maintaining peace with other nations. Trading houses were established, and agents appointed, to reside in the western territory, near the Indian tribes, with a view to maintain a friendly intercourse with them, and to prevent individuals from all fraudulent and improper treatment of them. Provision was also made for the sale of the public lands in that part of the country. An act was passed for the protection and relief of American seamen. The military establishment was augmented, and fixed for the term of three years; and further provision was made for the reduction of the national debt.

But such were the prejudices and party feelings, then unhappily prevailing, that the best efforts of the President and his Cabinet were opposed, or misrepresented. The charges formerly brought against the administration as being more friendly to the monarchy of England, than to



republican France, and as being extravagant in the public expenditures, were repeated in a tone of asperity and bitterness, alike dishonorable to those who made them, and injurious to the influence which it is important those in authority should possess. If it were only a few base and despicable individuals who directly uttered and published such gross charges, they were in some cases encouraged in their licentious vocation by men of high standing, who claimed the respect of the nation. The situation of the President was rendered exceedingly unpleasant and perplexing by this inveterate opposition to his measures, and by these reproaches on his public official acts for the good of the nation. His impartial and magnanimous conduct towards the two great belligerent nations of Europe was not duly appreciated; but on the contrary was most uncandidly criticised; and censured without the semblance of truth or reason. A second and a third French minister, after the revolution in that country, imitating the improper conduct of the first, appealed to the passions and prejudices of the people of the United States, to lessen their respect and confidence in the President; and many justified, as well their interference with the measures of the federal administration, as the unjust claims of the French government on the gratitude and support of the United States.

New ambassadors were appointed in 1796, to the court of Great Britain and to the government of France. Mr. Munroe was recalled from France, on the charge of delaying or partially stating the explanations which the President had directed him to make to the French government, relating to some measures of a commercial nature which he had adopted, and of which the men then in power in France complained. It was supposed that Mr. Munroe had yielded too much to his sympathies for that nation, or to the intrigues or threats of its rulers. Charles C. Pinckney, of South Carolina, was appointed to succeed him; who, it was believed, would be decided and faithful in supporting the interests and the character of the United States, and at the same time would not be disagreeable to that nation, on account of any partiality for the British government. At this time, also, Mr. King of New York, was selected for ambassador to the court of London, in the place of Thomas Pinckney, of South Carolina, who had requested leave to return to the United States.

As the second term of years, for which General Washington had been elected President, was now drawing to a close, he expressed more strongly than ever, to his partic-

ular friends, his desire and purpose to retire from public life. His advanced age\* furnished one consideration for this resolution; and he expressed the opinion also, that the time for an individual to occupy the chair of chief magistrate, in an elective, republican government, should not be extended to a long period. He had reason moreover to hope, that the difficulties both with England and France would be removed; or be less dangerous in future to the peace of the United States. But should new disputes arise, he was not disposed to admit that others might not meet them with proper discretion and firmness. When, therefore, some of his friends urged him to be again a candidate for the presidency, from solely patriotic motives, he was not persuaded that it was his duty to comply with their advice. In September, 1796, he publicly announced his determination to decline being a candidate for the presidential chair at the approaching election; and gave his parting advice to the people of the United States, in which he eloquently expressed his ardent wishes for the continuance of their liberty and prosperity, and urged them to cherish a sacred regard for the Constitution, and for the preservation of the Union.†

The prominent candidates for the presidency were John Adams of Massachusetts, and Thomas Jefferson of Virginia. The former, it was well understood, would mainly pursue the policy of Washington; and the latter would favor measures of a different character, in some points of important and general interest. Mr. Jefferson was considered partial in his feelings and views towards the French government, and Mr. Adams as more friendly to Great Britain than a citizen of the American republic ought to be. These

\* In March, 1797, he would be in his 67th year.

† His conviction of the necessity of religion and morality will be perceived from the following extract. "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, the firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with public and private felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligations *desert* [do not attend] the oaths which are the instruments of investigation in courts of justice. And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of a peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." The excesses and crimes of infidel France, at that period, not improbably suggested these most just and salutary remarks.

were the prevailing and popular opinions of the day ; and however unjust they might be, they had an unhappy influence on the great body of the people. It cannot be doubted, however, that Mr. Jefferson was more disposed to conciliate the French rulers, or to adopt measures to gratify them, than many intelligent politicians deemed proper ; or that Mr. Adams considered it highly important to avoid a war with England, and a close alliance with France, as was the wish of his opponents, when there was no stability in its government, and when successive revolutions were distracting and convulsing that nation.

While the presidential election was pending before the people, in the latter part of the year 1796, the French minister had the presumption to interfere, (and not very indirectly,) by publishing an address to the people of the United States, reminding them of their obligations to France ; and strongly intimating that they ought to elect a chief magistrate who was known to be friendly to that nation, instead of one who was not disposed to favor it, while it was contending for the rights of man. Very improper reflections were made on the character of Washington and his measures ; and a different political course, it was suggested, was necessary to preserve the friendship of the French government. The political friends of the administration condemned in strong terms such improper conduct ; and to the honor of many of those in the opposition, at that time, this interference of the French minister was disapproved, as dangerous to the independence of the United States ; and the influence which it was intended to produce was lost upon the people generally.

Congress met again the first Monday of December, 1796, as provided by the Constitution ; and the address of the President on the occasion was highly characteristic of Washington, at once temperate, dignified, and firm. The speech fully proved his strong conviction that the course he had pursued was the most honorable and proper, and most conducive to the welfare and prosperity of the United States. The great and increasing opposition to his measures did not induce him to waver in the full expression of his political opinions and views, with regard either to the past or the present.

He referred to the restoration of tranquillity in the western parts of Pennsylvania, which had been the scene of forcible opposition to the laws, from great discontent of the act laying an excise on spirits of domestic manufacture ; to the efforts made, and in some degree successful, for a more

humane and pacific system toward the Indian tribes within the territory of the United States; and gave a general statement of the measures which had been pursued in fulfilment of treaties with foreign nations.\*

The speech referred more particularly to the conduct of the French government, in authorizing or suffering its ships of war to cause embarrassments and injuries to the commerce of the United States, especially in the West Indies; and expressed an apprehension that further difficulties might arise to the American trade and navigation. "It has been my constant, my sincere, and earnest desire," he said, "in conformity with that of the nation, to maintain cordial harmony, and a perfectly friendly understanding with this republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation, that a spirit of justice, candor, and friendship, on the part of that republic, will eventually ensure success. In pursuing this course, however, I cannot forget what is due to the character of our own government and nation; or to a full and entire confidence in the good sense, patriotism, self respect, and fortitude of my countrymen."

In this speech, the President recommended to the attention of Congress an increase of the navy, as necessary for the safety of the country, with so extensive a seacoast exposed to foreign powers, and as a protection to the commerce of the United States. Every member of the administration, at that time, was in favor of an increase of the naval establishment; and yet what appears to have been so important and essential, found dissentients in the party, which had then opposed the leading measures of government for five years. Mr. Adams, the Vice President, was decidedly and warmly in favor of such a measure; and General Knox, while Secretary at War, had expressed the same opinion with Mr. Adams.

The solicitude of President Washington for the adoption of some plan or measures for reducing the national debt was also expressed, in this his closing speech to Congress, by reiterating his admonitions on this subject. A work of magnitude had been performed, by the federal government,

\* The treaty with Algiers had stipulated the payment of money, as a condition of their forbearance to depredate on the American commerce. It was the only method to negotiate with that nation, and to save the citizens of the United States from imprisonment and slavery.

within the eight years of its operation, by restoring the credit of the nation by paying the interest of the public debt, and discharging the current expenses of government. The original debt to foreigners had also been paid; but new loans had been made for that purpose, though on more favorable terms, than attended all former ones. To keep up the credit of the country, it was in his opinion necessary to provide for an augmentation of the revenue, and to obtain loans at a still less rate of interest. In a time of peace, and with a large increase of population, he believed that good policy dictated a reduction of the public debt, rather than to allow it to accumulate, or to remain as it was, as a burden to the next generation, which might have new and extraordinary expenses to provide for.

When Washington retired from office, the nation lost the services of an able politician, a sincere patriot, and a faithful and ever watchful chief magistrate; one who combined in a peculiar degree a high sense of national honor and dignity, with great economy in public expenditures, and personal simplicity and purity of character. During the eight years of his wise and upright administration, the federal government was made instrumental of all the benefits and blessings, which the most sanguine had anticipated; and political and general stability succeeded a period of national degradation and imbecility, which, in 1786, had alarmed those least likely to despair.

## CHAPTER V.

John Adams elected President, and Thomas Jefferson Vice President. Political Parties more strongly marked. President and Vice President of different Political Views. Embassies to France. Preparations for War with that Nation. Great Opposition to President Adams's Measures. Provisional Army. Direct Taxes. President's Message, 1799. Opposition in Pennsylvania to Direct Tax. Measures to suppress it. Conduct of Executive approved by the Majority of Senate and House. Laws of Congress, 1799,—1800. Bankrupt Law. Defensive Measures. Indiana made a Territory. Additional Laws to prohibit Slave Trade. Increase of Routes for the Mail. Opposition to Navy and to other Defensive Measures. Envoys to France. Treaty Conditionally Confirmed. Last Session of Congress, during the Presidency of Adams. His Address to Congress. W. Marshall Secretary of State, and Chief Justice. Presidential Election, 1800, Warm and Active.

MR. ADAMS received a plurality of the votes of the electors for President, and Mr. Jefferson, for Vice President;\* and they were inducted into office on the fourth of March, 1797. The two great political parties in Congress and in the nation were almost equally balanced; and the administration was constantly embarrassed by a powerful opposition. For Mr. Adams pursued the policy of his predecessor, which it was well understood he had invariably approved; and it was to be expected, that he would fail to please where the former had been opposed and censured. The rulers of France did not meet the friendly assurances of Mr. Pinckney, in an amicable spirit; but continued to complain of the United States as ungrateful, and to rise in their demands for direct aid, as due to their forbearance to inflict greater injuries, as well as for the services of that na-

\* Mr. Adams was a delegate from Massachusetts to the first continental Congress, September, 1774; and he and Mr. Jefferson were of the committee of that august body, in 1776, which reported the Declaration of the Independence and sovereignty of the United States. In 1778, he was appointed Envoy to France; in 1780, to Holland; and in 1784, to England; being the first minister from the United States to that Court, soon after the peace of 1783, in which he was one of the negotiators. He performed the high and arduous duties of these several stations, with great ability, fidelity, and uprightness. He returned to America in 1788, and was the first Vice President in the federal government, and held the office during the whole time Washington was chief magistrate. Mr. Jefferson was chairman of the committee of Congress to prepare the Declaration of Independence, was several years a distinguished member of that assembly; sometime Governor of Virginia, his native State; a minister to France in 1785, '86, and '87; and first Secretary of State in the government of the Union, which he held till his resignation in 1794.

tion in the American struggle for independence. They knew they had a powerful party in the United States, disposed to support their wishes for a close alliance between the two countries, and for united hostilities against Great Britain. In 1797, Mr. Pinckney obtained leave to retire from France, as he could not, with his sentiments of patriotism and national honor, submit to the demands made upon the government of the United States, as the price of the promised favor of that nation; which were as improper in manner, as extravagant in principle. But in this protracted and unhappy dispute, a large party in the United States constantly justified the demands and the measures of the French rulers, and condemned or disapproved the conduct of the federal administration.

When Mr. Adams was inducted into the office of President, he offered a merited tribute of praise to his illustrious predecessor, for his political wisdom and fidelity. Having spoken of the Constitution of the United States, and of the republican institutions of the country, and noticed the abuses which might take place from the prevalence of a licentious spirit, he observed, "The people of America have exhibited a most interesting system of government, to the admiration and anxiety of the wise and virtuous of all nations, for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude; conducting a people inspired with the same virtues, and animated with the same ardent patriotism, and love of liberty, to independence and peace, to increasing wealth, and unexampled prosperity; has merited the gratitude of his fellow citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity. In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His *name* may be still a rampart, and the knowledge that he lives a bulwark, against all open or secret enemies of his country's peace." \*

Before the close of the fourth Congress, March, 1797, provision was made, by law, for the meeting of the next

\* It is a remarkable fact, that, in June, 1775, when the Continental Congress were about to choose a commander-in-chief of the American army, raised, and to be raised, for the defence of our liberties, Mr. Adams proposed George Washington, who received the unanimous vote of the members.

Congress, on the first Monday of November, of that year; but as the relations of the United States had become more critical and embarrassing with France, owing to the extravagant demands and the unfriendly measures of those then in power in that nation, and of the apprehensions, perhaps justly entertained, of a declaration of war by that government, or of acts of hostility, equally injurious to America, President Adams called a meeting of the federal legislature to be holden on the fifteenth of May.

Mr. Pinckney was treated with personal disrespect, and the government of the United States severely reproached, in the communications which were officially made to him by the French Directory. It was probably intended so to wound his feelings and his national pride, as to induce him to quit his station, and thus to give a new occasion for complaint against him. But his desire to conciliate, if possible, the rulers of France, or a hope that others might succeed to power there, who would be desirous to treat the United States as an independent nation, induced him to remain, until he received an order from the Directory to depart the country.

This conduct of the French rulers served to convince many citizens of the United States, with all their gratitude and friendship towards that nation, that France could not be conciliated without too great sacrifice, or too much humiliation. The terms proposed by the Directory, for the continuance of national friendship, were highly unreasonable; and its language to the representative of the American government, expressed too much of an insolent spirit to find justification or apology.

Had there been any stability in the French government from 1793 to 1798; had it been only changed from an absolute monarchy to a republic; and had the claims of the rulers of France on the gratitude and friendship of the United States, been reasonable and just, there would have been no serious difficulties between the two nations. The federal administration was friendly to the French people, and to a republic; and would never have interfered with their government in any of its rapid and extraordinary changes; but it could not perceive that it would be consistent with safety, or that any obligation existed, to comply with the extravagant demands which were made on the American States.

The President communicated to Congress the recent instances of unfriendly and threatening declarations of the



French rulers towards the government of the United States, and of indignity to their minister, who had been deputed with the most sincere desires for maintaining peace and amity with that nation. They had also issued new orders for depredations on American commerce, more unjust and injurious than any former regulations. He therefore recommended the adoption of more efficient measures for defence; at the same time declaring his desire and purpose to preserve peace, if possible, by further negotiation.

The sentiments of the speech were approved by both branches of the national legislature; several members who were generally found in the opposition, voting in favor of resolutions for supporting the honor of the country, in consequence of the unreasonable and insolent conduct of the French rulers.

It was still the policy of the administration and of the majority in Congress to maintain a neutral position, and to avoid war with both the contending nations of Europe. An Act was passed in June, 1797, to prevent citizens of the United States from fitting out and employing vessels as privateers, against nations on terms of peace and amity with the American government. And as, in some instances, the dissatisfaction of the French ministers was so great that they had encouraged depredations on vessels belonging to American citizens, by those sailing under their commissions, the law prohibited such practices, on a heavy penalty, and long imprisonment. The exportation of arms and ammunition was also forbidden at this period, and encouragement given for the importation of all such articles. Authority was given by Congress at the same session, to the President, for detaching eighty thousand of the militia, to be in readiness for the defence of the country; and to accept of independent and volunteer companies, as a part of the number required. It was however provided, that the militia should not be compelled to serve for a longer term, at any one time, than three months; and that the authority thus given to the President should be limited to one year.

At the same session, Congress also provided for a naval force, though not so liberally, and to such an extent, as most of the friends of the administration proposed. The authority given the President for this object, was only to order the preparation and employment of three large frigates then nearly finished. These ships were of large burthen for vessels usually of that class and name; being

of sufficient size to carry forty-four guns, and with men and marines proportionate to the number of guns, and the dimensions of the vessels. President Adams was decidedly in favor of a naval armament, as a proper and cheap defence of the country; especially as war, if it came at all, would be made by one of the great maritime and naval powers of Europe. Had a greater number of vessels been fitted out and armed by the United States, at that period, it must have been followed by more respect for the American government, from nations then disposed to do injustice, or to be dictatorial towards this rising republic.

To meet the extra expenses, arising from these measures for national defence, duties were imposed on stamped paper and parchment, used for public purposes of various kinds, by merchants, and by others, engaged in lucrative pursuits, and in some cases, by those in office, whose business it was to prepare legal instruments, necessary in pecuniary contracts, or in executing the duties prescribed by law.

This was an unpopular measure, although the public exigencies required an additional revenue. It was perhaps less objectionable with the common class of people, than a direct tax on lands and houses, which was imposed soon after. With the very name of a *stamp-act*, was associated the idea of tyranny and oppression, from the time the British Parliament laid such a tax in 1765. But it was difficult to raise money by loans, and the proceeds from imposts was less, than for several former years of the federal government, as many vessels were taken and confiscated both by the British and French; and the mercantile part of the community were less engaged in navigation on that account. That the federal legislature had authority from the Constitution to raise a revenue in this way, could not be justly doubted; but the administration was charged with having unwisely pursued a policy which required large additional expenses to the nation; and every measure proposed to raise money, was opposed and condemned by those of different political opinions. The majority, however, still approved and justified the conduct of the administration, in resisting the unreasonable and extravagant claims of the French rulers. An additional duty was laid on salt, which bore most heavily on the Eastern States, where the consumption was very great, compared to other parts of the Union, on account of their extensive fisheries. But a drawback was provided of a greater amount, on salt provisions, and pickled fish exported; and

an allowance made to the owners of vessels employed in the codfisheries.

Agreeably to his declaration of making further attempts to preserve friendly relations between the United States and France, the President, with the consent of the Senate, appointed three eminent citizens as Envoys to France; \* instructing them to prevent a war with that nation, and to maintain an amicable intercourse with its government, if it could be effected on terms "compatible with the rights, duties, interests, and honor of the American people." The instructions to the Envoys were, "to seek peace and reconciliation by all means not incompatible with the honor and faith of the United States; and without violating any national engagements, or consenting to any innovation on the internal regulations for preserving peace and neutrality, which had been deliberately and justly adopted; or surrendering the rights of the American government."

These Envoys were received with no better nor more friendly spirit than had been manifested in their treatment of Mr. Pinckney, when recently the only representative from the United States at the Court of France. It was attempted to detach them from each other, and to learn the sentiments and views of each, by separate and secret interviews. The principle adopted by the Directory was that on which the politicians of old European governments had frequently acted, "to divide and conquer." They were evasive and equivocal in their official conversations; and in their intercourse, by private agents, sought to draw forth concessions which might be represented as contradictory when compared. And it soon became evident to two of the Envoys that no treaty could be made, on terms which would be either honorable or just for the United States to accept. The French ministry were so much mistaken in the character of the American government, and had so little respect for their own, that they demanded or requested a *douceur*; but the suggestion was rejected with just indignation. The patriotic sentiment, expressed by Mr. Pinckney, on this occasion,—“Millions for defence, but not a cent for tribute,”—met with a cordial response in the breast of every independent citizen of the United States. Messrs. Pinckney and Marshall requested leave of the President to return, and about the same time they were ordered, by the French Directory, to quit the territo-

\* C. C. Pinckney was re-appointed, as one of these, and Elbridge Gerry, of Massachusetts, and Wm. Marshall, of Virginia, were the other two.

ries of the republic; but Mr. Gerry, their colleague, was invited to remain, and to renew the negotiations. He deemed it proper to comply with the request; in the hope, no doubt, of finding a more friendly disposition in the Directory, and of receiving some suitable propositions for a treaty between the two governments. Of the discretion of this act in one of the Envoys, when two of them judged it improper to reside any longer near the court of France, different opinions were expressed at the time; and it was in vain that he continued to receive further communications from the Directory, as he could not agree to any terms proposed, compatible with the dignity, honor or interests of the United States. Agreeable to instructions from the President, Mr. Gerry, left France in October, 1798, about six months after the departure of his colleagues. He was unable to make any favorable impression on the French government, and though attempts were made to gain him to their purpose, by flattery, he displayed a good degree of caution, while he remained, and yet he put a more favorable construction on their language than most others could admit.

In July, 1798, it was solemnly declared and enacted by Congress, that the treaty with France, made in 1778, which stipulated a guarantee of the French possessions in America by the United States, was not obligatory upon the federal government, in consequence of numerous injuries inflicted by the rulers of that nation on the American commerce, and of other violations of the treaty on their part.\* This was considered an extraordinary act, as the treaty-making power was exclusively vested in the President and Senate; but it was contended, that the Constitution did not forbid the legislature from annulling a treaty, which had been repeatedly violated by the other contracting power. The treaty with France had been made by Congress under the confederation, which no longer existed; and as the Constitution was silent on the subject of rendering void a treaty so made, it devolved on the national legislature to interfere and to give its official sentence in the case.

\* The preamble to this Act of Congress was as follows,—“Whereas the treaties concluded between the United States and France, have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of the injuries committed, have been refused, and attempts to negotiate an amicable adjustment of the complaints between the two nations have been repelled with indignity; and as there is by authority of the French government, still pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation,—therefore &c.”

In this state of the country, Congress adopted further measures for defence, from an expectation that the Rulers of France might project an invasion; and attempt to subdue the United States by their conquering arms, as they had then done a great part of Europe. Even while the last of the three Envoys lingered in France to improve any occasion, which might present, for conciliation, French ships of war were depredating on American commerce; and that a vessel bore the flag of the United States, was sufficient inducement to capture and condemn them. Orders, similar to those issued by the British government, injurious to the commerce of neutrals, to which the French Directory said the United States ought not to submit, were adopted by the rulers of France, subjecting to seizure all American vessels having British goods or products, or which had sailed from British ports.

The President manifested a truly patriotic spirit on this occasion; but while he declared a determination to perform his part, in vindicating the rights and honor of the nation, he expressed a strong desire for peace, and said he would seize any opportunity which might occur for renewing negotiations with France. A regular and permanent army was now ordered to be raised; and the President was authorized to organize twelve additional regiments of infantry, a regiment of cavalry, a regiment of artillery, and a regiment of engineers, to serve as long as the difference should continue with the French government. And power was also given the federal executive to build, purchase, or hire twelve vessels, besides those then belonging to the United States, sufficiently large to carry twenty guns each. Though these measures for defence would necessarily increase national expenses, there was a very general expression of approbation by the people in every part of the Union.

When the French Directory perceived that the government of the United States was not to be intimidated into submission to their plans, and would not sacrifice the interests and rights of the nation in compliance with their unjust demands,\* they manifested a disposition to enter

\* To show the mistaken opinion of the French rulers, respecting the sentiments of the American people, as well as of the administration, they expressed a belief that the majority in the United States would acquiesce in the claims of France, and would oppose their own government. But the reverse of this was the fact. The people were desirous of peace with France, and rejoiced in the prospect of a more mild and free government there, which the revolution held out at an early period; but they had no respect or sympathy for the

into fresh negotiations. They gave informal and indirect intimations to the American Minister in Holland, that if Envoys should be again appointed, they would be duly accredited, and diplomatic intercourse be held with them. On this intimation, the President promptly expressed a readiness to institute another embassy to the French government. For though he had declared, on the rejection and ill treatment of the former envoys, that he would not appoint others until he had assurances they would be received as the representatives of a free, powerful, and independent nation, he was not indisposed to meet overtures from the rulers of France for renewing negotiations.

Such a measure could not justly be considered inconsistent with the declaration previously made, under the circumstances attending it, and which called it forth; and it is not to be doubted, that the President was desirous to avert the calamities of war, and to preserve peace with a powerful nation, the friendly ally of the United States, at a period of extreme difficulty and danger. The only question which arose was, whether the intimation given, and the manner in which it was communicated, were such as to justify the policy and propriety of the measure he proposed. For the proposal from the Directory, was to receive Mr. Murray, then Minister in Holland, if he should be appointed; which was in effect to select the individual who was to negotiate with them. They might also deny, that they had given authority for such a promise or intimation. It would have been similar to their conduct with respect to the late Envoys, on their statement to the President that propositions highly reprehensible (for a loan and a *douceur*, as the condition of even commencing negotiations with them) had been made them. It was denied by the French Minister, M. Tallyrand, that any such proposition had ever been made by the authority of the Directory. And Mr. Gerry, one of the Envoys, was treated with great disrespect and rudeness by that Minister, on this account.

The President first proposed to send Mr. Murray, as sole Envoy, according to the intimation he had received; but the Senate hesitated to approve the nomination; he then named two others to be joined with Mr. Murray in the

French rulers in 1796, '97, and '98; and their attachment to their own government and to the liberty and honor of their country led them to strong resolutions in support of the administration. The most patriotic addresses were presented to the President from all parts of the Union, tendering their support of the measures for defence adopted by Congress and by the executive.

embassy, and the consent of that body was then given to their appointment.\*

The second session of the fifth Congress (the first was a special session in June, 1797,) which was begun in November, 1797, continued to 26th of July, 1798. And several important laws were passed, having reference to the critical state of the country,—for the protection of navigation, for maintaining neutrality, for defence of the seacoast, in the event of an invasion,† and for an additional land and naval force, and for a direct tax on real estate, to render the revenue equal to the expenses of the occasion. A law was also passed in June, 1798, to suspend the commercial intercourse between the United States and France and her possessions. And merchant ships were allowed, under certain restrictions, to be armed in their voyages either to the West Indies, or to European ports. Most of these acts and measures were warmly opposed by a portion of the Representatives, and several were finally adopted by small majorities.‡

Provision was made by law during this session of the national legislature, for the office of a Secretary of the Navy; rendered more necessary at this time, on account of the employment of a far greater naval force than at any former period of the government. George Cabot, of Massachusetts, was first appointed to that important office, in May, 1798; but he declined, and Benjamin Stoddart, of Maryland, was soon after called to that station. The navy, though comparatively small at that period, rendered great service to the commerce of the United States; and the per-

\* These were Oliver Ellsworth, of Connecticut, and Wm. R. Davie, of North Carolina. And Judge Ellsworth was the first named of the three. Patrick Henry, of Virginia, was first appointed, but declined on account of feeble health and advanced age, and Governor Davie was appointed in his room. In his note, declining the appointment, Mr. Henry says,—“I entertain a high sense of the honor done me, by the President and Senate. I esteem it an agreeable and flattering proof of their consideration towards me. Nothing short of absolute necessity could induce me to withhold my feeble aid from an administration, whose *abilities*, *patriotism*, and *virtue*, deserve the gratitude and reverence of all their fellow-citizens.”

† The places designated to be fortified, were Boston, Newport, New York, Baltimore, Norfolk, Charleston, and Savannah.

‡ Congress gave its consent, by a special law, at this session, to an act of the State of Massachusetts, for incorporating certain persons to keep a pier in repair, erected at the mouth of Kennebunk river in Maine, and granting authority to lay a duty on vessels, for reimbursing the expenses of erecting and maintaining it. The case may appear not sufficiently important to require this express permission and enactment; but it was probably considered proper to have the consent of the federal government, as its jurisdiction extended to all maritime and commercial subjects.

mission to the merchants to arm their vessels in self-defence, saved a large amount of property on the ocean from capture and confiscation.

When it was determined to raise a provisional army, in 1798, as a necessary measure for defence of the country, on the second refusal of the French rulers to negotiate with the American Envoys, and after they had uttered repeated threats to invade or revolutionize the United States, it was a question, suggested alike by policy and good judgment, who should be selected as Commander-in-Chief. It must be a citizen of assured patriotism, of experience, and one who possessed the entire confidence of the nation. The President was soon determined in the choice of General Washington, for this highly important and responsible station. But it was doubtful, whether he would accept, at his time of life, and with his known predilection for retirement the residue of his days. And it was a matter of delicacy, even to make the proposition to him. Yet when it was made, he did not hesitate long in coming to a decision. The same love of country and the same ardent and disinterested disposition for its welfare, which had induced him to take command of the American army, in 1775, and to undertake the difficult and arduous duties of Chief Magistrate of the Union, in 1789, still animated his breast: And he consented to receive the commission from the President, as Lieutenant General and Commander-in-Chief, of the army, then proposed to be raised; on the condition, however, that his service in the field would not then be required, and that no expense should be incurred, except for the support of his table and household, while in actual service. The sacrifice he thus made, at the call of the country, was duly appreciated by his fellow-citizens; while the act itself afforded full proof of his approbation of the measure adopted by the administration; and yet the people needed not this additional evidence of his sincere patriotism, or of the propriety of the policy which had been pursued by the federal government. The crisis did not arrive which rendered it necessary for Washington to take the field; and in the course of the following year, a treaty was made with France, which put an end to the military preparations in the United States. An army, however, was raised in 1798, as voted by Congress, and General Hamilton, of New York, was the immediate and active commander, being next in rank to Washington, when the officers were appointed; and who was recommended by him for that station. The other principal military officers, who re-

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ceived commissions in the provisional army, were C. C. Pinckney, of South Carolina, H. Knox, of Massachusetts, H. Lee, of Virginia, J. Brooks, of Massachusetts, W. Washington, of South Carolina, Jon. Dayton, of New Jersey, Eben. Huntington, of Connecticut, W. R. Davie, of North Carolina, A. W. White, of New Jersey, John Sevier, of Tennessee, and W. North, of New York.

Two Acts passed by Congress, in 1798, called the Alien, and Sedition laws, met greater opposition than any other measures adopted at that time. The objection to the sedition law was, that it restricted the liberty of speech and of the press; which was an arbitrary interference with the right of the citizens to express freely their opinions on all public and political measures. It was said, in justification of the law, that the grossest falsehoods were uttered and published, tending to deceive the people and to excite their prejudices unduly, to the danger of the peace of the nation; that those in power, and the majority in Congress were anti-republican, and in favor of high taxes and an arbitrary government: And the government ought to take measures to protect its rightful authority, and maintain the peace of the republic: And, that the law expressly provided, in mitigation of the common law on libels, that the truth, if proved, should be a justification of the publication. It was afterwards doubted, whether the law was politic in a free country, where some instances of licentiousness in the press were to be expected. And it was judged that the common law would have been sufficient to prevent the evils which existed, which were undeniably great and extensive, and might have been resorted to in extreme cases of falsehood and abuse of the government.

The law empowering the President to order Aliens, who were found or supposed to be conspiring against the peace and authority of the United States, to depart its territories, was severely condemned, as it gave power to the executive to judge and decide, without the usual process of law, and without what might be considered strict legal proof in the case. The power was thought extremely liable to abuse, and such as might easily be exercised in a capricious and arbitrary manner. This was a strong objection; but the apology for the law was,—that the persons thus liable to be required to leave the country, were not citizens,—had no just claims to a continuance here,—and that their residence, with the views they had, and the opinions they published, endangered the welfare of the nation, for which it was the imperious duty of Congress to provide. The

opposition to these laws was very great, not to say intemperate, in some parts of the country. In Virginia and Kentucky, the legislature declared them to be direct and gross infractions of the Constitution, and appealed to the other States to join in opposition to them. At the next session of Congress, numerous petitions were presented for a repeal; but without avail at that time.

In his speech to Congress, at the beginning of the session, in December, 1798, the President referred to the political relations of the United States with the French government; and while he recommended the continuance of measures for national defence, he declared his desire for reconciliation and peace with France, and a hope that negotiations might be recommended for that purpose. To attain an honorable treaty, he said, it was necessary to be prepared for war, and to show the world that we were not a degraded nor a divided people. The speech was dictated by a truly patriotic spirit, manifesting alike a desire for peace, and a resolution to maintain the rights and interests of the nation.\* He referred also to the report of commissioners, who had been appointed to ascertain the bounds of the United States and the British Provinces of Nova Scotia and New Brunswick. They had "fixed on the Schoodic, as the true St. Croix intended in the treaty of 1783; as far as its great fork, where one of its streams come from the westward, and the other from the northward; and that the latter was the continuation of the St. Croix to its source. This decision (he said) would preclude all contention between persons claiming that the Schoodic and its northern branch bound the grants of lands, which have been made by the respective adjoining governments."

The sentiments expressed by the President, in his speech to Congress, relating to France, were fully approved by the Senate, and by the majority of the Representatives; though some members of the House discovered a determination to oppose any further measures for the defence of the country, on account, as they said, of preventing an increase of taxes on the people, and being in expectation of a speedy restoration of good will on the part of the French government. It was ordered by Congress, however, that the provisional army should be filled up, and the naval force augmented

\* General Washington, was present on this occasion, in the Representatives room, accompanied by Generals Pinckney and Hamilton. They were then at the seat of the federal government, to consult with the President on further arrangements respecting the provisional army.

by building or purchasing more vessels to be armed for the service of the nation. The direct tax was ordered to be collected, for replenishing the public treasury ; and other measures were adopted, with a wise precaution, to meet any danger which might arise. Citizens found holding correspondence with foreign governments or their agents, on political subjects, and designed to influence their conduct to the injury of the United States, were declared liable to a heavy fine, and to imprisonment ; but at the same time individual rights were guarded from infringement. And an additional Act was passed for suspending commercial intercourse between the United States and France, but limited to the period of one year.

The proposition for increasing the naval force of the United States, now met with more favor in Congress, than at any former period. The President was authorized to build six large ships of war, of seventy-four guns ; and six sloops of war, of eighteen guns ; and one million of dollars was appropriated for the purpose. The Secretary of State was directed to make an annual report, respecting American seamen, impressed and detained on board foreign vessels, as he might be able to ascertain by consulting the collectors of imposts through the United States. And if any acts of cruelty or severity were known to be committed on American citizens, so impressed, or captured, the President was empowered and requested to cause due retaliation to be made on subjects of other nations, who were taken warring upon the vessels of the United States.

Difficulties still existing on the western and southern frontiers, between inhabitants of the United States and the Indian tribes, an additional law was passed for regulating trade with the tribes, and maintaining a friendly intercourse with them. Measures were taken for fixing the bounds between lands belonging to the United States, and those in possession of the Indians, or claimed by them, and not formally relinquished to the federal government. The inhabitants were forbid crossing such lines or going into the Indian territory to hunt, &c., on the penalty of imprisonment, or payment of one hundred dollars. And all acts of injustice and trespass, against the Indians, and on their territory, were made punishable in the federal Courts.

Overt acts of opposition to the law for a valuation of lands and houses, were committed in some of the north-western counties of Pennsylvania ; and on representation to the President, he called on the Governor of that State for the militia, to suppress the lawless proceedings. The

Governor promptly complied with the requisition; and the insurrection was soon suppressed.\*

The envoys, appointed early in 1799, to the French government, did not leave the United States till November. Satisfactory assurances were not given to the President till October, that they would be received and treated as the agents of an independent and powerful nation; such being the condition stated when he proposed to the Senate to make another attempt to negotiate with France, and to avoid the evils of war. To some extent hostilities had commenced on the ocean between the two nations; though, on the part of the United States, it was entirely *defensive*. Depredations on the American commerce had been committed for two years, and immense property taken and confiscated. In 1798, several frigates, and some smaller public armed vessels, were fitted out in defence of the mercantile interests, and upwards of three hundred private vessels were armed by permission of the government, for self-defence, when pursuing their lawful enterprise on the ocean. Several French ships of war were captured by the public vessels of the United States, in 1799. Still war had not been declared by either government, and many in both nations did not fail to cherish hopes of reconciliation, so as to prevent the continuance of such a disastrous state of things. The federal administration was always sincerely desirous of maintaining peace and a friendly intercourse with France; and, in this disposition, the President proposed to institute another embassy to that government, on the first intimation that the proposal on his part would be met in a similar spirit.

But, as already observed, the proposition was considered improper and injudicious, by some of the political friends of the administration, though the majority of the people commended the measure. Some of the opposition also applauded the President for the act, as it afforded full proof of the sincerity of his repeated professions, that he was averse from war with the French nation. Still the dissatisfaction expressed was so great, on account of the absence of that full and direct assurance which ought to be required, that other envoys would be duly respected, that the President deemed it proper not to direct those who had been ap-

\* There were, at this period, two hundred Newspapers published in the United States; one hundred and seventy-eight or eighty were in favor of the federal administration; about twenty were opposed to most of the leading measures then adopted—and the greater portion of these were under the control of *Aliens*.

pointed, to proceed to France for several months. If a prompt and friendly consideration of the proposal was judicious in the President, it was equally so to suspend his directions to the Envoys to proceed on the embassy, till he had more unequivocal and official assurances of their favorable and respectful reception. There was a great degree of sensibility manifested on this occasion ; and the President was considered as precipitate in his compliance with the proposal of the French Ministry, at the first moment of his knowledge of it. And it was, unhappily, the cause of leading some good citizens to lessen their confidence in the firmness and judgment of the Chief Magistrate. But the great majority of his former friends adhered to him, who believed that public opinion and the political state of the nation justified his conduct. The measures for defence, which had been authorized by Congress, both as to completing the military force on land, and vessels of war for the defence of commerce, were carried into effect by the Executive in the course of the summer. The ships of war constituted a respectable naval force, especially for defence, though not equal to meet the navy of England or France. The provisional army, designed for defence, in the event of an invasion, was duly organized ; and the great body of the people were animated with a lofty spirit of patriotism, which was alike honorable to the character of the citizens and to the government. But near the close of the year, the sudden death of the Commander-in-Chief, spread a deep gloom over the whole country. Never did the decease of an individual, in any age or nation, excite so sincere and universal lamentation. And never, perhaps, had the public services and virtues of any man, whose history is on record, so justly entitled him to the gratitude, respect, and admiration of his countrymen.

At the meeting of Congress, in December, 1799, the speech of the President, was received with almost entire approbation by both branches of the national legislature. He referred to the resistance which had been made in some parts of Pennsylvania to an Act of Congress directing a valuation of houses and land preliminary to a direct tax ; and to the means used to suppress it—to the removal of restrictions on the commercial intercourse with the island of St. Domingo, in pursuance of authority given him by Congress—to proceedings of the commissioners under the late treaty with Great Britain, and to the difficulties attending the full and speedy execution of some parts of it—to the progress made in erecting the public buildings in the

District of Columbia, for the accommodation of the national government—and to his late directions to the Envoys to proceed to France, on having received official assurance from the French government, that they would be duly respected and negotiations be renewed.

The answer of the Senate was short, but expressive of their entire approbation of the political course of the President. That of the House, prepared by a Committee, of which Mr. Marshall, of Virginia, was the Chairman,—and which fully indicated the sentiments of the majority in the United States, at that critical period,—contained the following paragraphs:—

“That any portion of the citizens should permit themselves to be seduced by the *arts and misrepresentations of designing men* into an open resistance of a law of the United States,\* cannot be heard without deep and serious regret. Under a Constitution where the public burdens can only be imposed by the people for their own benefit, and to promote their own welfare, a hope might have been indulged, that the general interest would have been too well understood and the general welfare too highly prized, to have produced in any of our citizens a disposition to hazard so much felicity, by the criminal effort of a part, to oppose, with lawless violence, the will of the whole. While we lament that degree of depravity, which could produce a defiance of the civil authority, and render indispensable the aid of the military force of the nation, real consolation is to be derived from the promptness and fidelity with which the aid was afforded. The zealous and active co-operation with the judicial power, of the volunteers and militia called into service, which has restored order and submission to the laws, is a pleasing evidence of the attachment of our fellow-citizens to their own free government, and of the truly patriotic alacrity with which they will support it.

“Highly approving, as we do, the pacific and humane policy which has been invariably professed and sincerely pursued by the Executive authority of the United States, a policy which our best interests enjoined, and of which honor has permitted the observance, we consider as the most unequivocal proof of your inflexible perseverance in the same well-chosen system, your preparation to meet the first indications, on the part of the French Republic, of a

\* Alluding to the resistance in Pennsylvania to the Act of Congress for raising a direct tax.

which the States were at peace; and from receiving and acting under any commissions for such hostile purposes, except by express authority from the federal government. The officious interference of French agents at that period, and the excited feelings of a great portion of the people, who were eager to engage in enterprises in aid of France, rendered such a law necessary, to preserve the public peace. This law being about to expire, by the express terms of limitation, was, at the present session, continued for an unlimited time. During the same meeting of Congress, the President was authorized to accept a cession of the jurisdiction of the territory, called the Western Reserve of Connecticut, and lying west of Pennsylvania, being a large tract of land within the present limits of the State of Ohio, and excepted by the State of Connecticut, from the grant made by that State, of lands claimed by it, in the Northwest Territory. And he was even empowered also to issue letters patent to the government of Connecticut, for the use and benefit of such persons as were then settled on the said Reserve, under authority of that State. At the beginning of this session of Congress, a delegate from the people in the Northwest Territory appeared, and was allowed a seat, with a right to speak in the House, but not to vote.\* He was the first instance of a delegate or member of Congress from a Territory, and not of a State. But many similar instances have occurred since that time. The Northwest Territory was divided at this session of the national legislature, and that part northwest of the Ohio river, which lies westward of a line—beginning opposite the mouth of Kentucky river, and running thence to fort Recovery, and thence north, till it intersects the line between the United States and Canada—was made a separate Territory, and called Indiana; and a temporary government provided for it.

A law of the federal legislature, passed in March, 1794, prohibited the carrying on of the slave trade, by citizens of the United States, in any ways or places, under severe forfeitures and penalties. It made all vessels, owners, shipmasters, and seamen, concerned in transporting slaves from the United States, and in conveying them from one country, or port, or place, to another, liable to be forfeited, fined, or imprisoned. In May, 1800, an additional law was enacted on this subject, more explicit and more exten-

\* This delegate was W. H. Harrison, then quite a young man. Two years after, he was appointed Governor of that Territory.

sive in its operation than the former. Additional duties were laid, at this session of Congress, on sugars, molasses, and wines. An Act was passed for a new census to be taken of the inhabitants; and for erecting forts at some other places on the seacoasts than those then fortified. An additional law relating to the Post Office department was also passed; the rapid increase of the towns, and the great number of entirely new plantations, rendered new routes for conveying the mail, very important and useful. The President was empowered to suspend measures provided for defence, by an increase of the naval and land forces, whenever the state of the belligerent powers of Europe, and especially the policy of France towards the United States, should, in his opinion, justify it.

Though no expensive measures, except those for national defence, were adopted, and though the President had manifested a sincere desire to prevent open hostilities with France, even to some condescension in appointing a new embassy, as many of his political friends supposed; strange as it may appear, those opposed to the administration, by secret and incessant efforts gained strength and new adherents; and as public dangers became less pressing and less imminent, they were more clamorous and bold in their censures. It was pretended that the great expenditures for a navy and an army were unnecessary and impolitic, as peace might have been always maintained with France had the federal administration been sincerely desirous of it; and that the burden of new taxes, and excise might have been avoided, had not the Executive adopted unwise or improper measures. Taxes are always considered grievances by the people; and it is only when they do not perceive them to be absolutely and immediately necessary for the support of liberty, that they submit to them without complaint. And the feelings of the people generally in the United States were so engaged on the side of regenerated and republican France, as it was called in 1793—98, that they were ready to suppose all were enemies to liberty who opposed any of the extravagant, violent, and arbitrary conduct of its rulers. Their strong prejudices and their immediate interests were against the administration, and in favor of the opposition, led by self-styled reformers, from whom they expected relief from taxes, and the enjoyment of greater freedom.

Such is the general character of mankind. They are naturally jealous of those in power, consider little of the



necessary expenses of government, are impatient of restraint, easily excited, ready to listen to, and liable to be deceived by, such as profess to be their *special* friends and the asserters of civil liberty. Their great error consists in want of due inquiry, and just discrimination. They decide hastily, and, therefore, often erroneously. And their best friends will probably be censured and reproached, while such as make strong professions, and declaim most loudly in the cause of political freedom are applauded and followed. In 1798, it appeared to be almost the universal sentiment of the people, that the conduct of the administration, and the measures adopted by Congress, were proper, wise, and necessary. Before the close of 1800, without any change of policy, or extravagance in public expenditures, or charge of passing arbitrary or oppressive laws, the majority in the national legislature were found to be the opponents of the administration, and the popular voice was in condemnation of the measures which had been pursued and approved. There were some men of talents and of plausible political theories, who were constantly engaged in making misrepresentations, and in exciting the prejudices of the people. They had false views of human nature, and represented man as needing little or no restraints from law and government. They professed to believe that human governments ought to have far less power, than was common, and the people more freedom; that riots and excesses might sometimes be witnessed; but that the good sense and virtue of the people would suppress them. The exhibition of the disorders and extravagances, of the cruelties and outrages in France, for six years, under the sacred name of liberty, failed to convince them of their erroneous theory, and of the necessity of authority in civil government, to guarantee the full enjoyment of freedom to all the people.

Sometime after the American Envoys reached Paris, where they proceeded, on receiving direct assurances of being received with due respect, three commissioners were appointed by the French government, to treat with them. Napoleon Buonaparte was then First Consul; and the rulers having been recently changed, professed a strong desire to be on terms of peace and friendship with the United States. Joseph Buonaparte, a brother of the First Consul, was one of the commissioners. A treaty was prepared, and signed the first of October; and afterwards received formal ratification by the French government, and a conditional agreement by the President and Senate of the

United States.\* It related chiefly to the compensation to be made by the French government for depredations on the American commerce; but not to the extent, nor embracing the whole period of such depredations, as urged and claimed by the federal government. These claims it was stipulated should be considered at a subsequent time; but the treaty of alliance of 1778, and the convention of a later period, November, 1788, were to have no effect thereafter; and the future relations and intercourse of the two nations were particularly defined and regulated. It was a great objection to the treaty, that it did not definitely and expressly stipulate indemnification for recent depredations by French vessels on the commerce of the United States, which were very extensive, and very severely felt; and on this account was not fully confirmed by the Senate. Such provision had been made in the treaty with Great Britain in 1794; and yet that treaty was condemned as humiliating and dishonorable, by the French party, at that time. The claims of the United States on France were not, indeed, abandoned; and the friends of the administration refrained from all denunciations and clamors against the treaty, in the confident belief that the President and Senate would not give it their sanction, should it be found derogatory to national rights, or injurious to the interests of the mercantile community.

So desirous was Mr. Adams of avoiding a war with France, and of maintaining pacific relations between the United States and that nation, that his efforts for those objects were censured by some of his fellow-citizens; and he was represented as not sufficiently firm and decided in supporting the honor of the American government. The charge was alike unjust and impolitic. Mr. Adams was well aware of the instability of the French government, at that period, and of the improper conduct of the rulers of that nation in 1798, to commit himself by any unreasonable confidence in their promises; and much less of placing the destinies of the United States in their hands. But, like a wise statesman, he considered the feelings of the great body

\* The President was disposed to ratify the treaty as it was originally approved by the Envoys, in whom he had great confidence, and being apprehensive of the result of a conditional acceptance. But the majority of the Senate were opposed to two articles, and suspended them for further negotiation. When the conditional ratification was sent to France by Mr. Jefferson, soon after, who succeeded Mr. Adams on the fourth of March, 1801, he appointed Mr. Vans Murray, and Mr. John Dawson of Virginia, to negotiate on the subject of those two articles. The treaty was submitted to the Senate in December, 1800, soon after it was received by the President, but the Senate did not give a final decision till near the close of the session in March.

of the people towards France, and would leave no reasonable efforts untried for peace and reconciliation. The people generally approved of his policy. And it was his peculiar honor to receive the entire approbation and confidence of General Washington at that critical period.

The second session of the sixth Congress was held at Washington city, in November, 1800, and the last address of President Adams to the national legislature, at the opening of that session, contained the following impressive remarks :

“I congratulate the people of the United States on the assembling of Congress at the *permanent* seat of their government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. It would be unbecoming the representatives of the nation to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the universe, and imploring his blessing. May this territory be the residence of virtue and happiness. And in this city, may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character, whose name it bears, be forever held in veneration. Here, and throughout our country, may simple manners, pure morals, and true religion flourish forever.

“You will see this the capital of a great nation, which is advancing with unexampled rapidity, in arts, in commerce, in wealth, and in population; and possessing within itself those energies, and resources, which, if not thrown away, or lamentably misdirected, will secure to it a long course of prosperity and self-government.

“While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world, and our own experience also, admonish us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection, which are adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may compel us to resort. While our vast extent of seacoast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence, which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength, will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted to defensive war, and which, in case of necessity, may quickly be brought

into use, seem to be as much recommended by a wise and true economy, as by a just regard for our future tranquility, for the safety of our shores, and for the protection of our property committed to the ocean.

"The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem; and by the protection afforded to our commerce, has effected to the full extent of our expectations, the object for which it was created.\*

"In connection with a navy, ought to be contemplated the fortification of some of our principal seaports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete.

"I observe, with much satisfaction, that the product of the revenue, during the present year, has been more considerable than during any former equal period.† The result affords conclusive evidence of the great resources of the country, and of the wisdom and efficiency of the measures, which have been adopted by Congress for the protection of commerce and the preservation of public credit.

"As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid the causes which may have produced them. If turning our eyes homeward we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if we enjoy in safety, under the protection of law, emanating from the general will, the fruits of our own labor, we ought to fortify and cling to those institutions, which have been

\* At this period, the naval establishment consisted of 5 large frigates, of 44 guns each—4 frigates of 36 guns—2 frigates of 32 guns—4 ships, carrying 24 guns on main deck, and 8 on quarter deck—8 sloops of war, of 20, or 22 guns—3 do. of 18 guns—2 of 16 guns—5 of 12 or 14 guns—33 in all—besides 17 gallees.

† By the exhibit of the Secretary of the Treasury, at close of year 1800, there was the sum of 3,000,000 dollars in treasury; though part was of unexpended appropriations. The expenses for 1801, were estimated at five and half million dollars—2,340,000 of it for navy department. For civil list \$600,000.—But for the navy, and the arming of merchantmen, (opposed by those not in favor of Adams's administration,) the revenue would not probably have been half the amount; yet his measures were represented as highly injurious by his political opponents.

the source of so much real felicity, and resist, with unabating perseverance, the progress of those dangerous innovations, which may impair their salutary influence."

The President gave Congress information, at this time, that a treaty had been made with the King of Prussia, solely and chiefly for commercial objects; and that the provisional army had been disbanded, or reduced, as authorized by the national legislature, at their preceding session. The most important acts of Congress at this meeting, held from November to the third of March, were the following—An additional law relating to the federal Judiciary, by which district circuit courts were established to be holden by Justices different from the Justices of the Supreme Court, and the Judge of a District Court; the circuits or districts to be six in number; each to consist of several adjoining States, to consist of three Justices in each circuit or district; and to have appellate jurisdiction in appeals from the District Courts, instead of appeals, as by the former law on the Judiciary, to a tribunal composed of a Justice of the Supreme Court and the District Judge; which was considered not so favorable to an independent decision, owing to the organization of that Court. The circuit courts established by the law were invested with all the powers before granted to the former circuit courts, composed as above stated. An act for a naval peace establishment, by which the President was empowered, when he should think it safe and proper, to sell the ships of the United States, except thirteen of the largest frigates; that six of these be hauled up and dismantled; and the others retained in service, properly officered and manned, as he might direct. An act for continuing the mint establishment in Philadelphia; and for directing the mode of estimating foreign coins; for extending routes for conveying the public mails; and for erecting several new lighthouses on the seacoasts.

The subject of erecting a mausoleum or monument to the memory of Washington, was frequently discussed in Congress during this session. A mausoleum was first proposed, but the expense was an objection with many; it was, however, voted by the House of Representatives, to erect a mausoleum, and one hundred thousand dollars appropriated for the purpose; but the Senate rejected the plan, and decided in favor of a monument, as it would be less expensive, and voted only fifty thousand dollars to complete it.

Near the close of the year, 1800, Mr. Wolcott resigned the office of Secretary of the United States treasury, and left the national finances in a prosperous condition. He

requested an examination of his official conduct, while Secretary; which was accordingly made by a committee of the Representatives, and found to have been entirely correct and faithful. Samuel Dexter, of Massachusetts, was appointed to that responsible office, which he held about a year, when he voluntarily retired from its onerous duties. In 1800, John Marshall, of Virginia, was appointed Secretary of State, by Mr. Adams; and in February, 1801, the office of Chief Justice of the United States being vacant, he was selected for that high and important station. The feeble health of Mr. Ellsworth had induced him to resign some months before; when John Jay, who was the first Chief Justice of the Supreme Court of the United States, was again appointed, but declined the office. The selection of Mr. Marshall was very judicious and fortunate; for the purity and stability of that department of the federal government was considered as the chief support for the maintenance of justice, and a due interpretation and administration of the laws of the Union.

The presidential election occupied the public mind, during the whole year 1800. It was a subject of deep interest to all, and with many the occasion of great excitement. The candidates for that high office were President Adams, and Mr. Jefferson, then Vice President. Mr. Adams received the support of those who had approved of his leading measures for the four preceding years; and very generally of those who were the political friends of Washington's administration. For though he adopted the pacific but magnanimous policy of that illustrious man, and received his approbation, while he lived, the conduct of Mr. Adams in instituting a new embassy to France in 1799, was severely and bitterly censured by a few individuals of high standing in the federal party. They were respectable for their talents and patriotism; but they were too assuming, and aimed to exercise more influence than a few men ought to do, in a republican government. The majority of the citizens approved of the conduct of President Adams, on this difficult occasion; and probably, his rejection of the overture of the French rulers would have produced a fatal division in the United States; and thrown the government into the hands of men entirely devoted to the views of revolutionary France. It is true, that notwithstanding this conciliating measure of the President, the federal administration was changed; but his conduct, approved as it was by a great portion of the people, served as a check on the policy of his successor, in restraining him,

from the adoption of measures still more subservient to the will of the French government, than any which he publicly pursued. Whatever were the secret views of Mr. Jefferson, he was too wise not to regard the wishes and opinions of the majority of his fellow citizens; and whatever were his partialities for the French nation, would not designedly compromit the interests and honor of the United States. The election of Mr. Jefferson\* was proof of a great change of sentiment in the people, within two years. At the close of 1798, or beginning of 1799, Mr. Adams would have had a large majority of the suffrages of the electors. But such is the instability and uncertainty of public opinion, especially when gross misrepresentations are made, and the prejudices and passions of the people are addressed, rather than their understanding.

By the prudent and pacific, yet firm and decided measures of the federal government, for twelve years, the character of the United States had become highly respectable among the greatest statesmen of Europe. Its policy exhibited a happy union of energy and magnanimity; and it was respected alike for its wisdom and power. The nation was placed in a commanding attitude of defence, while liberty and peace and improvement were every where witnessed within its jurisdiction. Public credit had been fully established; and able and faithful men had been selected for the public agents; men, whose patriotism had been proved by eight years service devoted to their country's welfare.

\* Mr. Jefferson and Aaron Burr had an equal number of votes for President and Vice President; and the election of President devolved on the Representatives, as provided by the Constitution, in such case. More than thirty trials were had before a choice was made. The friends of the late administration generally supported Mr. Burr, believing him to be more in favor of the policy before pursued, especially on the subject of commerce.

## CHAPTER VI.

Mr. Jefferson elected President. His Professions and Opinions. Treaty with France Confirmed. Removals from Office for Political Sentiments. Naval Force. President unfriendly to it. Laws of 1801—1802. Repeal of Laws establishing Circuit Courts, and laying Excise and Internal Taxes. State of Public Finances. Purchase of Louisiana. Objections to the Measure. Disputes with England and Spain. Danger of Spanish War.

UNDER President Jefferson, the heads of the great departments of the government were changed, nor was there any just reason to complain of this measure; as they formed a part of his political council; and, as the chief executive officer of government, he had a perfect right to select his confidential friends and advisers. But, when afterwards, and within a few months, he removed able and upright men from offices of a subordinate grade, his conduct was considered improper and arbitrary, and as partaking somewhat of the *right of prerogative*, usually claimed and exercised by royal princes. The new administration professed to be governed by more democratic principles than the former; but it was denied, that its measures were more in accordance with the Constitution, or more strictly republican. A large portion of the people were pleased, because they were *flattered*; but no evidence appeared that they were benefitted by a change of rulers. Mr. Jefferson was not considered to have cordially approved of the federal Constitution; and in some of his private letters he had expressed the opinion, that the government it provided approached too nearly to monarchy to receive his assent. When he took an oath to support the Constitution, no doubt he was sincere; with the qualification, however, in all such cases understood, of giving it a construction for himself. And he never appeared averse from the exercise of power vested in the chief executive officer of the government. In some instances, his opponents believed he exceeded his legitimate authority; as in the case of withholding commissions from persons appointed by his predecessor, after being approved by the Senate, but which had not been issued from the State department at the time of his inauguration; and still more, in the purchase of a large terri-



tory, not within the limits of the United States, without direct authority from the national legislature. In his inaugural address, Mr. Jefferson said, "We have gained little, if we encourage a political intolerance as wicked as impolitic. We are all brethren of the same principles; we are all republicans, and all federalists." Yet in less than fifty days, he removed fourteen federal officers, without any allegation of unfaithfulness or inefficiency: on the plea indeed, that his predecessor had removed two public officers, on account of their political opinions; and had appointed none to office in the government but such as were of the same sentiments and views as the administration. "Few died, and none resigned," he said; and therefore, to equalize public offices between the two great political parties, it was necessary, in his opinion, to remove a part of those then employed, and to appoint others more friendly to the new administration.

For a very few of the removals, there might have been sufficient or justifiable reasons offered; but in most instances, the changes were made merely for political opinions, and these not at all affecting the real republican character of individuals. In some cases, the officers of the revolution were superseded by sons of Tory refugees. The chief recommendation to a candidate was his making court to and flattering the administration. The principle was essentially exclusive and intolerant; and it served as a dangerous precedent to others, who might be in power at a future time, or over smaller portions of the Union. It was imitated, and probably furnished an apology for the governors of several States afterwards, in removing faithful public agents, of undoubted republican sentiments, and rewarding their zealous supporters, with the *spoils* of successful electioneering warfare.

The treaty made with the French government, by Mr. Ellsworth and his associates, in 1800, and conditionally confirmed by the federal administration early in 1801, was sent to Paris soon after, by President Jefferson. There was some delay and hesitation on the part of the French rulers, in accepting the conditions and modifications proposed by the Senate of the United States. But it was confirmed in the course of the year. The American government was released from the obligations of the treaty of alliance with France of 1778, by which it had guaranteed the French possessions in the West Indies: and the non-fulfilment of which had been the only *just* cause of complaint against the federal government; but indemnification

was not made for the extensive depredations on American commerce by the French vessels, any farther than by the way of a compromise, for giving up alleged claims arising from the guarantee made in the treaty of 1778.

Robert R. Livingston, of New York, who had been chancellor of that State, was appointed Envoy to France, in 1801, with full powers to negotiate on all subjects in dispute between that nation and the United States. He remained some time near the French government; and was the minister who stipulated for the purchase of Louisiana, in 1802-3; an event of great importance to the United States, though at the time of doubtful validity arising from Constitutional principles.

During the years 1800 and 1801, there was a misunderstanding between the commissioners of England and the United States, appointed to adjust the claims of citizens of the latter, under the treaty of 1794; and all proceedings relating to the subject were suspended for some time. But after due explanations, the business was again commenced, through the prudent and able influence of Mr. King; then the American minister at the Court of London, and soon terminated to the satisfaction of the federal government, and of the merchants, who were particularly interested in the fulfilment of the terms of the treaty. The amount they awarded and received of the British government for spoliations on the commerce of the United States, in 1793 and 1794, was very great; and must have convinced every impartial and reasonable man, that the negotiation instituted by the federal administration in 1794, under Washington, was far more wise and beneficial than war; or non-intercourse, for which some strongly contended at that period.

The President was accused not only of undue partiality in his appointments to office, but of arbitrary conduct in interfering with the due process of law. In the case of an individual, Duane, the publisher of a paper in Philadelphia, who was prosecuted for a libel on the Senate of the United States, which had been brought in the federal Court, under a law of Congress called the sedition law, the President ordered the attorney for government to discontinue the action; and it was accordingly dismissed. This act of the executive was deemed to be an improper interference with the province of the judiciary; though the prosecution was *technically* in the name of the President of the United States, it would have been more in the spirit of the Constitution, had it been in the name of the United States.

In his message to Congress, at the beginning of the ses-

sion, in December, 1801, the President observed, "That it was matter of congratulation, that the nations of Europe, with which we were most connected, were disposed to peace, and that commerce was, in a great measure, relieved from former embarrassments and interruptions; that we were bound, with peculiar gratitude, to be thankful that our peace had been preserved through a perilous season." And he spoke of the United States as the "unoffending friends of France." "The Indian tribes on our borders," he said, "manifested a pacific and friendly spirit, and it would be the aim of government to preserve their good will, and to seek their welfare, by efforts to introduce among them the arts of civilized life, and the pursuits of agriculture." He referred to the unreasonable demands of *Tripoli*, one of the Barbary States, and his direction of a naval force to the Mediterranean, to prevent that power from depredating on the American commerce. He suggested, that the increase of revenue from imposts, as the population extended, would probably be such, as to render it safe to dispense with internal taxes and excises; that, if our peace was not interrupted, the receipts of the former description would be sufficient to meet the ordinary expenses of government, and to pay the interest and the instalments, authorized by law, on the public debt. And that should war occur, it might be necessary to resort again to internal taxation. He supposed that a small naval force only would be necessary in future; and that the building of any more ships of war might safely be postponed.

The President referred in this speech to the judicial department of the government; particularly to the law passed at the previous session, for establishing circuit courts, and the appointment of so many justices to hold them. He clearly intimated the opinion that the circuit Judges were unnecessary, and that the district and circuit courts, as before established, were sufficient for the business of the country.

An opinion generally prevailed, at this time and afterwards, that Mr. Jefferson was not in favor of the independence of the Judiciary department; but that the Judges should be more under the control of the legislative branch of the government; and in some cases even of the executive department. His orders sometimes clashed with the decisions of the federal Courts, and he was inclined to interfere with, if not to disregard, their judgment. He was in favor of appointments and removals of the Judges, as well as of other public officers and agents. For, he con-

tended, they should be of the same political views with the majority ; and when, therefore, there was a change of administration, and of the popular branch of the legislature, that the Court should be composed of men of similar opinions. This was truly alarming to the friends of a stable republican government, who had always contended for the independence of the Judiciary, as well of the Legislative as of the Executive department. For, with such a tenure of office, as was proposed by Mr. Jefferson and his political friends, the judges would cease to be entirely impartial, and superior to all political biasses, in their decisions ; and would probably be in some measure under the influence of the predominant party in the government.

The law establishing the Circuit Courts of the United States, to be holden by Justices not of the Supreme and District Courts, was repealed soon after Mr. Jefferson came into office. The Circuit Courts might be dispensed with, without much inconvenience to the public, at the time, as the business of the federal Courts was then comparatively small. Still, an act repealing any part of the Judiciary system was considered ominous to the real independence of the Judicial department. But as the Supreme Court of the United States was not attacked, and only its decisions in some cases connected with the Executive department opposed or disapproved, the friends of the judiciary rejoiced that no farther innovations were made in that branch of the federal government.

The law on the subject of naturalization he recommended should be modified, so that foreigners, coming with a *bona fide* intention to settle in the United States, should be admitted to the rights and privileges of citizens, in less time than the existing law required ; while he acknowledged, that the Constitution had wisely provided a long time to render them eligible to public office in the government.

This was a new Congress, and the majority were of the same political views as the President.\* The most important laws which were passed at the first session of Congress holden after Mr. Jefferson was chosen President, besides the act for repealing the law of the previous session, organ-

\* The report made at this session by the commissioners of the sinking fund, appointed several years before, stated that 14,738,367 dollars of stock had been redeemed, that there was in the hands of the Treasurer, 449,069 dollars, subject to the disposal of the Commissioners ; which, with the growing resources of that fund, would be sufficient to meet the 7th instalment of the 6 per cent. stock, the 1st instalment of the deferred stock, and the 10th of a loan then soon becoming due.

izing the Circuit Courts, were for the apportionment of federal Representatives in the several States, according to the second census, then recently taken, which fixed the ratio at one Representative for 33,000 inhabitants: the whole number of inhabitants being then over five millions,—for protecting the commerce and seamen of the United States against the Tripolitan cruisers, which had then very frequently captured American vessels—for fixing the military peace establishment; which provided for the continuance only of one regiment of artillerists, two regiments of infantry, and a corps of engineers, to be stationed at West Point, on Hudson river, in the State of New York, and to constitute a military academy—for regulating trade and intercourse with the Indian tribes, and for the preservation of peace on the western frontiers; in which provision was made for ascertaining the boundary line, before established by treaty, between the United States and the various Indian nations in the west and northwest: the provisions for maintaining a friendly intercourse with the natives were similar to those contained in former laws on the subject:—for discontinuing the several acts laying internal taxes on stills, distilled spirits; refined sugars, carriages, stamped paper, and licenses to retailers, and for sales at auction—for establishing a uniform system of naturalization, and repealing former laws on that subject—for redeeming the public debt; by which it was provided to appropriate annually seven millions and three hundred thousand dollars, to the sinking fund—for authorizing the people of the eastern division of the territory northwest of the Ohio river, (Indiana,) to form a Constitution and State government, and for admitting them into the federal Union—and for establishing new routes for conveying the mail and the security thereof.

The most warmly contested of these laws was that for repealing the act of the preceding session of Congress, establishing district circuit courts. That law was strongly opposed on its passage twelve months before; and was passed by only a small majority. But those who were in favor of the law considered it important, in rendering the Judiciary as perfect as possible; and they therefore opposed its repeal. They also were apprehensive, that if one part or branch of the Judiciary should be annulled; it would serve as a precedent for setting aside the whole; or of so altering it, as to affect its independence. They looked upon the Judiciary as more sacred than any other department of the government; and were averse to all innovations touching its authority or jurisdiction. Very able speeches were

made by several members, who had been active in its adoption, 'against the repeal: that of Mr. Bayard, of Delaware, was the most celebrated.

The act for repealing a former law laying an excise on distilled spirits within the United States, on pleasure carriages, and on refined sugars, was opposed on the ground of the articles being luxuries, and therefore, more proper to be taxed, than articles in constant use by the lower classes of people, such as bohea tea, brown sugar, molasses, and salt. The latter were continued without any reduction, and were paid chiefly by the laboring classes of the people. An effort was made for discontinuing the mint establishment, but it did not succeed; the majority in Congress being in favor of further trial of the benefits of the system. The objection made against the establishment, was the great expense attending it. A member stated, that every cent coined at the mint, cost the government half a dollar. But this was meant probably for a figure of speech, though the expenses were, indeed, very great; without a corresponding benefit. A bill was passed in the House of Representatives for discontinuing the mint; but the Senate did not concur in it.

The act to provide for the redemption of the public debt could scarcely be said to justify the title; the reduction or redemption was only nominal. Some former loans were proposed to be paid, indeed, but by new loans entirely; and the reduction was only in theory and on paper. Nor could it be otherwise, as the interest, added to the usual expenses for the support of government, was fully equal to the receipts into the treasury for the year 1802, according to the estimate of the Treasury department; and the internal tax, or excise law, was repealed. In 1801, two millions and a quarter of the national debt had been paid, agreeable to a previous law of Congress, and the abundant revenue which accrued from the former taxes and imposts. In January, 1802, the whole public debt was seventy-eight millions; the receipts for 1801, amounted to twelve millions; and the appropriations for civil list and other expenses, for 1802, were \$13,250,000.\*

A proposition was made at this session of Congress for abolishing the navy department, and placing the naval concerns under the direction of the Secretary of War; but it did not receive the approbation of the majority. Several

\* The report of the Secretary of the Treasury stated that the accounts of the former Secretary of that department, and also of the State, War, and Navy departments, were all correct, and no delinquencies.

members of the national legislature were, at that time, opposed to a naval force; some on account of the expense, and some from a belief that the United States could not expect to dispute the dominion of the sea, with either England or France. The President, also, had always discovered a great reluctance to any augmentation of that branch of national defence. And his influence was very great with the majority of the federal legislature at that time.

The opposition to the measures of the present Congress and administration, by those who had supported the policy of the past, was, in some instances, as great as that which had been made by those now in power to their predecessors. Both as to theoretic views and actual measures, there was no inconsiderable difference. There was a change of policy, on some important subjects; and some called it a *revolution*. It might well be said to be a new dynasty. The people were amused with strong professions of regard, and with unwonted assurances of a desire to consult their wishes; and yet the exercise of power in the executive was carried to an equal extent, in some cases to a greater, than by the former administration. The repeal of the excise, however, and the disbanding of the provisional army—though the latter was ordered by the preceding Congress—operated to a diminution of taxes, which all had felt.\* It appeared to be the policy of the ruling party to attach odium to their opponents for several measures they had adopted, and to have it believed they were more anxious to secure the liberty, and to lessen the burthens of the people. But generally the course pursued by former administrations was still followed; having received the test of experience in favor of its wisdom, its efficiency, and its adaptation to the character and condition of the people.

In the message of the President to the national legislature, in December, 1802, there were no changes in the general policy of the administration proposed, and no new system of

\* Soon after President Adams retired from public office, in 1801, in a reply to a respectful and affectionate address from the citizens of his native town, he said, "Some measures, during my administration, were the effect of imperious necessity, much against my inclinations. Others were the measures of the legislature, which though approved when passed, were not previously proposed by me. Some, left to my discretion, were never executed, as no necessity for them, in my opinion, ever occurred. And I will only add, that we were emancipated from two burthensome yokes, the old French treaty of alliance, and the consular convention, which were grievous to us, and would have been intolerable to our children. The government, in future, unshackled with positive stipulations, will have only to consider its foreign powers by the law of nations, and to estimate her interest by an honest and impartial policy."

revenue suggested; but a recommendation to economy in public expenditures, with a view to a gradual redemption of the national debt; and a reference to the general prosperity and increase of the nation. Some of the Barbary Powers continued to make depredations on the American commerce, and several vessels had been captured by piratical corsairs from Algiers and Tripoli. A naval force, therefore, designed for the protection of the vessels of the United States, had been employed in the Mediterranean; and had restrained, in a great measure, the injuries which would probably otherwise have been committed. A part of the navy had been unemployed; and it was recommended to Congress, rather to devise a plan to preserve the timber collected for constructing additional ships of war, than to expend money, at that time, to build more. It appeared by the report of the Secretary of the Treasury, that upwards of five millions of the national debt had been paid off during the year, and that the amount of revenue for the same time, had exceeded that of any former year. Commercial enterprise had revived after the treaty made with France, in 1801; and a great measure of prosperity had resulted from the trade and navigation of the country.

Some severe censures were at this time published against Mr. Jefferson; relating, however, rather to his personal, than his official conduct; in the favor and patronage bestowed on individuals, who had been great revilers of his predecessors; and particularly for inviting Thomas Paine, of notorious memory, and then of little esteem in America, to come to the United States, in a public ship, and to reside in the country. As a private or personal act, it might have only shown want of self-respect, or of little sensibility to the memory of Washington, whom Paine had grossly abused; but as the invitation was given, when he was President, and a national vessel prepared to convey such a character to America, it was considered highly improper.\*

The most important laws which were passed at the session of Congress, from December, 1802, to March, 1803,

\* The political writings of Paine, at the commencement of the American revolution, had some influence in arousing the people to a just sense of their rights. But his conduct afterwards received the censure of Congress; and he went to Europe. He became a *sat*, an open, and shameless reviler of Christianity, and a gross outrageous libeller of Washington and Adams. It was highly indecorous and reprehensible in the chief magistrate of the United States to invite such a character to come to the country in a public vessel, to take up his abode here, and to continue his *useful labors*, which then consisted chiefly of libellous, vulgar, and blasphemous publications.



were the two following: prohibiting the importation of negroes, mulattoes, or other persons of color, (not a native citizen, or registered seaman of the United States, or seamen, natives of countries beyond the cape of Good Hope,) into any port of the United States, within a State, which did not allow the admission of any such negro, mulatto, or person of color: and the penalty was one thousand dollars fine. The vessel in which such negro, or mulatto, should be imported, was also debarred entry. The time had not arrived, when the importation of slaves by the Constitution was prohibited; but some of the States did not allow of such importation, and Congress passed a law on the subject, to prevent those persons, in other States, which did not forbid it, from bringing them into the States which prohibited the traffic; because, while the national legislature was silent on the subject, it was pretended that the citizens of one State might import negroes into another, spite of a State law against it. The other law of Congress, at this time of general interest, was that which authorized the President to order eighty thousand of the militia to be detached in the States, and to call on the Governors of the several States to detach their respective quotas accordingly. The militia so detached, were to be officered in the usual manner of the militia, and agreeably to the laws of each State.

The apprehension of a war with Spain, at that period, dictated this measure of precaution. There had then been a dispute with the Spanish government for some time, relating to the southwestern boundary line of the United States, and difficulties had often arisen between the people on that frontier, and the inhabitants of the Spanish territory. Before this period, however, although not early known in the United States, Spain had ceded her possessions on the Mississippi to France; and, in 1803, the French government sold the same to the United States, for eleven millions of dollars. This was a secret transaction, at first, wholly unknown to the Senate of the United States, and of which only the President and his minister, at the French Court, seemed to have had cognizance. The French rulers wanted money; and besides, they intimated some threats towards the United States of their displeasure, unless it should be granted. They offered the extensive territory, which they had then recently obtained of Spain, and which was of little benefit to them at that time. The President believed it would be of great advantage to the United States to possess the territory, and thus to have the entire

use of the Mississippi river. He had doubts, however, as afterwards appeared, whether such a purchase did not exceed his constitutional powers. But he referred the treaty to the Senate; and, with their consent, gave his confirmation to the bargain. The purchase of Louisiana from France, was long a topic of dispute between the friends and opponents of the administration. The former represented the acquisition of such an extensive territory, especially as it included the Mississippi river, the great outlet for the produce of the western States, of vast advantage to the nation, and as a cheap purchase, in a pecuniary view; and while they admitted the measure to be a stretch of power beyond the letter of the Constitution, they justified and commended it, for the very great benefit it would be to the Union: as it would secure a large tract of country favorable to the growth of articles wanted in other parts of the United States, and which were then imported from the West Indies.

The principal objections made to this measure were two—one, that the territory of the United States was already abundantly sufficient for one government of a republican character, and that there were immense tracts of wild lands to be filled up, in the northwest part of the country. A very extensive territory it was said would endanger the republic, and might require a strong arm, probably a military force, to preserve order and peace. But the greatest objection grew out of the supposed unconstitutionality of the measure; and that if the provisions and plain meaning of that compact were violated or disregarded, it would prove a most injurious precedent. The government might as well purchase Canada and Nova Scotia, or Mexico, or the island of Cuba. It was contended, that when the Constitution provided for the admission of new States into the Union, it had pointed out in what cases such States should be received: that large States might be divided, on the consent both of Congress and the old State proposed to be so divided; and that new States might be formed in the northwest territory, then being within the limits of the United States. There were probably some party prejudices operating to produce or reiterate these objections, and to represent the act as at once arbitrary and unconstitutional. And yet there was certainly much force in the arguments offered to prevent Congress from giving effect to the bargain made by the treaty. The objections were made by members of undoubted patriotism, and of republican principles; and with them, the advantage of such a

purchase was of less weight, than an adherence to a just construction of the Constitution.\*

When Congress adjourned in March, 1803, an Act was passed fixing on the first Monday in November for the next meeting; but the President called them together in October; with a view to provide for taking possession and governing the newly-acquired territory of Louisiana; and when Congress convened, he informed them of the ratification of the treaty with the French government, which transferred and ceded that territory to the United States. An Act of the national legislature was passed, within fourteen days of assembling, making legal provision for the occupation and temporary government of the territory, under the authority of the President; and for appropriating the sum of eleven millions† as the purchase money.

Very different views now prevailed with a portion of Congress from those expressed on the question of making provision for giving effect to the treaty with England in 1794. There were objections made to the measure, as already intimated, by some members; but those who objected to the appropriations, in the case of the British treaty, with their friends, now a large majority in Congress, were ready at once to pass a law for the payment of the sum stipulated, and for all other expenses attending the occupation, as well as for giving entire authority to the President to appoint all the officers for the government of the territory. The purchase included all lands on "the east side of the Mississippi river, not then belonging to the United States, as far as the great chain of mountains which divide the waters running into the Pacific and those falling into the Atlantic ocean; and from said chain of mountains to the Pacific ocean, between the territory claimed by Great Britain, on one side, and by Spain on the other."

At an early day of the session, it was proposed to alter the Constitution of the United States, as to the election of President and Vice President, so as to designate which person was voted for as President, and which for Vice President; instead of the original article, which required the electors to vote for two persons, for these offices, and the one who had the highest number to be President. At the last presidential election, the votes being equal for two

\* Mr. Quincy, of Massachusetts, was one of those who considered the measure unconstitutional, and as a dangerous precedent. Many others had similar views.

† The whole cost, however, was fifteen millions; and loans were ordered to make payment.

persons, it devolved on the Representatives in Congress; according to the Constitution, to elect one of these for President; when a great excitement arose, and much bitterness of spirit was manifested, which did not soon subside. The proposition was opposed as an unwise departure from the spirit and design of the Constitution; which was, that two persons fully qualified for the office of chief magistrate should be voted for, without a specific and exclusive designation of one to the presidency; and thus in case of the death of one, the other who would succeed, till the period of another election, would be equal to the discharge of the high trust. The two persons voted for in 1788, Washington and Adams, were entirely qualified for the station; and so it was supposed also in 1800, when Adams and Pinckney were the candidates by one party; and Jefferson and Burr by the other. But such a mode or rule of election had hazarded the choice of Mr. Jefferson, who was the person intended to be President, by those who voted for the ticket with his name and that of Mr. Burr. And his political friends were resolved to prevent the recurrence of a similar difficulty. Other reasons were, indeed, offered for this alteration in the Constitution; and it was urged that it was more simple, direct, and proper, to designate which candidate was intended to be President by the votes of the electors.

The objections were, that the Constitution was too sacred to be altered for slight reasons and purposes—that the object of the alteration was merely to gratify an individual and his political friends, and not to promote the welfare or to secure the liberty of the people—and that the original article was the result of long and impartial deliberation in the Convention which framed the Constitution; and was believed would most certainly secure the election of two able individuals for the two highest offices in the government; while it provided for an able and suitable successor to the President, in the event of his death. It was also proposed to limit the presidency in the same citizen, to two terms of four years; but this did not prevail.

The proposed alteration of the Constitution having been agreed to by two thirds of the members of both branches of the federal legislature, it was communicated to the legislatures of the several States for their consideration. And within the year, two thirds of the State legislatures,\* the proportion, required by the Constitution, for making an

\* Thirteen States were in favor.

and arbitrary conduct in the same case, when he was the presiding Justice; and for his behavior; as presiding Judge of a Circuit Court in Virginia, for the trial of a person accused of a violation of the Sedition Act. It was alleged, that the Judge conducted with great partiality, and discovered party feelings; and thereby had prostituted his office, from personal malignity or political prejudices. He was also accused of discussing political subjects in his charges to the Grand Jury in Maryland, and of reflecting on the policy of the government, in a manner not proper for a member of the Judiciary. The trial, at the next session, before the Senate, on this impeachment, after a full hearing of the case, which continued several days, resulted in the acquittal of the Judge. On most of the articles of charge, the majority of the Senate decided that he was not guilty. On three of the charges there was a majority of two who voted that he was guilty; but this was not a *constitutional* majority, and he was honorably discharged. *Honorably* because it was apparent to every impartial enquirer, that he had conducted with impartiality, with fairness, and with all proper lenity and indulgence; and that whatever of prejudice or improper bias there might be in the case, it was to be found in those who commenced and supported the prosecution. They were displeased, that he did not disregard law and justice to favor the wishes of those in power. Two of the members of the House of Representatives, who appeared most zealous in the prosecution, immediately after the acquittal of Judge Chase, proposed the following amendments to the Constitution, viz: "That the President be authorized to remove a Judge, on an address of the two Houses of Congress—and a State to recall a Senator when it should choose."

There had now been a dispute with Spain, for some time, with reference to claims to territory on the Mississippi; and a Minister had been deputed to that Court to adjust the difficulties arising from such misunderstanding, but without full success; though the Spanish government professed friendly views towards the United States. The cession of Louisiana to the United States by France, which had shortly before received the territory from Spain, served to increase the obstacles to the preservation of peace between the two nations. The American administration claimed West Florida, as a part of the ceded territory; but the Spanish government denied the justice of such a claim. After numerous attempts to adjust the difficulty, and the manifestation of unfriendly designs towards the United

States, the American Envoy demanded his passport, and left Spain in August, 1804. In the meantime the President had refrained from taking possession or exercising jurisdiction of that part of the territory, which Spain denied had been ceded to France, and which France could not therefore rightfully transfer to the United States; the Spanish government was thus apparently reconciled, and war prevented between the two nations. The Spanish monarch, however, relinquished his claims to the territory soon after, but with no little reluctance; and he was then so much under the influence of the French government, that new difficulties arose in making a treaty with the United States on the subject. A large portion of the American people were in favor of a war with Spain, at this period, on account of a refusal to yield the territory purchased of France, and for numerous spoliations on the commerce of the United States. But pacific councils prevailed; and forbearance eventually secured all the benefits for which a war was proposed, without its expenses and evils. A treaty was soon after made with Spain, called "a treaty of friendship, limits, and navigation;" in which the bounds of Louisiana were more accurately defined, and containing stipulations for indemnity for spoliations on American commerce.

The revenue for 1804, amounted to seventeen millions, and the expenditures to twelve and half millions; and in four years, thirteen millions of the public debt, including interest, had been paid: but a larger sum than that had been borrowed to meet the purchase money for the territory of Louisiana; and the Mediterranean fund was continued, to meet the expenses of the naval armament kept up, to check the Barbary power. For the defence and security of the seaports and harbors, it was recommended by the President, that more gun-boats than were authorized in February, 1803, be built, as they would be less expensive than larger armed vessels,—could be kept without men, when not in actual service, and might be manned, at short notice, by the militia in the vicinity. This was an innovation in the system of naval armaments, which many believed would prove inefficient, both on account of the small tonnage of the boats, and of manning them by the militia, instead of experienced seamen. On these subjects, as well as on some others, which were before Congress at the two former sessions, there was far less of free and independent discussion, than had been witnessed in the House of Representatives previously to 1802. The objections made to several propositions, which the majority of-

ferred, were seldom met by proper argument, but were merely voted down by numbers. It appeared that on the most important subjects, the course to be adopted by the majority, was agreed upon at meetings previously held in private. The vote was often thus obtained by party feelings and pledges, rather than according to sound reason, or personal conviction. It may be impossible entirely to suppress the influence arising from political parties; but it would often have far less effect, if there were an independent and manly course pursued, according to the arguments and views presented by free discussion.

## CHAPTER VII.

**Mr. Jefferson's Second Election. Aliens. Difficulties with Spain and with Great Britain, continued. Charges against Colonel Burr. His Trial. Chief Justice Marshall accused of Partiality. Attack on Chesapeake. Impressments. Special Envoy from England. Disputes with France. Conduct of Buonaparte. Embargo. Objections to Embargo, as it was Unlimited, and Injurious to Commerce. Supposed French Influence. British Orders in Council. Difficulty of avoiding the Displeasure of those Nations. Complaints against the President, for Partiality to France.**

MR. JEFFERSON was re-elected President, in March, 1805, for another term of four years. And George Clinton, some time Governor of the State of New York, was chosen Vice President, in the place of Mr. Burr, who was not supported by either party.\* The majority for Mr. Jefferson was very large, being one hundred and sixty-two votes in one hundred and seventy-six. But the change in public opinion was not so great as this single fact might seem to indicate. In the House of Representatives, the majority in support of the administration was as seventy-five to forty: In the Senate it was not so great. The prosecution of Judge Chase alarmed many, and the administration lost some supporters by the measure. The aversion of the President to a navy, which many believed, was another consideration with a portion of the people for not generally supporting his policy. Had a more efficient naval force been ordered into the Mediterranean, it would have enabled the brave and gallant officers of the American squadron there, to have wholly suppressed the Barbary cruisers. They behaved with great spirit and resolution, and effected all the benefits which could be expected of them.†

It is not surprising, perhaps, that they who had approved of the general policy pursued for the twelve first years of the federal government, should oppose many of the leading measures adopted by those now in power. The latter had

\* The friends of Mr. Jefferson considered Burr as the rival of their favorite candidate; and the political opponents of Mr. Jefferson became dissatisfied with his conduct on various accounts; especially with his treatment of General Alexander Hamilton, whom he had challenged and killed in a duel.

† Among the most distinguished of these were Preble, Decatur, Somers, Stewart, Chauncy, Hull, and Morris.



condemned the proceedings of the two former Administrations, and entered on a course of policy very different, in many respects, from that before pursued. To attempt to detect the real motives and views of the leading characters of either party, might be alike uncandid and unavailing. Great men often differ in opinion, and are equally honest; and yet candor does not require that all men be estimated alike for their good intentions, or upright principles. Nor does the ephemeral popularity, which some public characters enjoy, afford a just criterion of their patriotism or moral worth. In all such cases, the people must determine in whom they will repose confidence; and if a full development of character does not justify their high estimation, they must suffer the unhappy consequences of self-delusion.

At the session of Congress, which closed on the third of March, 1805, two important laws were passed, intended to prevent the hostile and predatory acts of persons on board of foreign vessels in the harbors and ports of the United States, or in the waters within their jurisdiction; and to regulate the clearance of armed American merchant vessels. By the former, persons were liable to be arrested, on warrant from any Judge or Justice of a Court of the United States; who was authorized, if necessary, to call on the militia in the vicinity to assist the marshal in the execution of his duty, in serving the warrant wherever the offender might be. The offences enumerated in the law were treason, felony, misprision of treason or of felony, and misdemeanors, as breach of the peace or of the revenue laws of the United States. The latter prescribed the mode and form of clearing merchant vessels of the United States, which were to be armed on their voyages; requiring a bond to be given, both by the owners and masters, that the arms on board said vessel should not be used for any unlawful purposes, but merely for resistance and defence, if attacked; and that the guns and arms belonging to the vessel should not be sold in the West Indies, &c. These were prudential measures, designed to maintain the neutral character of the United States; to prevent unnecessary attacks by American armed merchantmen, on British, French, or Spanish vessels; and to check the insolence of the commanders of foreign armed ships, on the coasts, towards the vessels of the United States. Events had then previously occurred, which rendered these laws wise and proper. Safety required the merchantmen to be armed,—but sometimes the masters had made unwarrantable and unnecessary attacks on the vessels of other nations.

The favor shown to foreigners by the new naturalization law, and other marks of encouragement, were inducements to the natives of Europe to immigrate to the United States, and here take up their permanent residence. And many of these were of the less worthy class of the population of the countries from which they came. They were the discontented, the unstable, the indolent, and such as had imbibed revolutionary or visionary principles: though there were some honorable exceptions. They had not just notions of a republican government, such as were maintained in most of the States. Their sentiments concerning civil liberty were impracticable, or inconsistent with the peace and order of government. Their cry was for liberty, but as for law and civil authority, they expected to be in a great measure free from their restraints. The character of the American population was thus gradually changed; and in many places, aliens, united with the discontented in the country, and outnumbered and outvoted the native citizens of property and stability. Those who *professed* to be the friends of the people and of liberty, and who were ambitious of office, frequently succeeded, when in competition with more worthy and patriotic characters.

The Message of the President to Congress, in December, 1805, was in a higher tone and spirit than his former public addresses had been to that body. He referred to the interruptions and depredations still continued by the belligerent powers of Europe, on the American commerce; and to their occasional aggressions and insults, even within the waters of the United States' jurisdiction.—To the injurious operation of the maritime policy of Great Britain, with respect to neutral vessels bound to the ports of the enemy of that nation—and to the omission on the part of the Spanish government to fulfil its former engagements of indemnity for spoliations on American commerce; and to other evidences of an unfriendly spirit in that nation towards the United States. There had then long been a misunderstanding with Spain, growing out of claims on that government for its depredations, and of their delay in surrendering their possessions in Louisiana, purchased of France, and previously ceded to the French by the Spanish government. The American envoys had been attempting to negotiate with Spain, on these accounts, for sometime; and a second, and even a third envoy had been sent to the Spanish Court. But no adjustment could be effected, consistently with the honor and interests of the United States. The hesitation and delay were attributed to an unwillingness or an inabil-

ity to fulfil their engagements to the United States under a former treaty; or the influence of French policy, which then directed the affairs of Spain, and which appeared designed to injure the American commerce. The Spanish Court was also dissatisfied with the loss of Louisiana; and was disposed to yield as little as possible, by virtue of their cession to France. So evasive and unsatisfactory was the conduct of the Spanish rulers, that the American envoys left the court, without hope of forming a just and honorable treaty. The course pursued by the ministers of Spain were so manifestly unreasonable and injurious, that a great portion of the citizens of the United States declared that a war with that nation would be perfectly justifiable; but the President did not recommend that ultimate measure; and the majority were not fully prepared for it, either in Congress, or in the nation. The sentiments expressed by the President in his public communication to the national legislature, met with less animadversion than those contained in his previous addresses, had received: and all were ready to adopt efficient measures for the honor of the country and the protection of their maritime rights. In speaking of the official declarations of the British ministers, for interrupting the American navigation, as a neutral power, destined to the ports of their enemies, the President said, "they had made interpolations in the laws of nations relating to commerce, which required investigation." A committee was accordingly early appointed to take the subject into consideration.

What the President called an "*interpolation* in the laws of nations," was the revival and application of a principle in maritime policy, which, many years before, had been advanced and put in practice by European governments.—One point was the monopoly of trade, by the parent government or nation in Europe, of its American colonies, (which was true of the French and the Dutch as well as of the English,) with special and occasional relaxation, as was supposed to be for the benefit of the parent State, or the relief of the colonies. But the chief objection was to the rule of 1756, as it was called; by which a right was assumed by the British to prohibit the trade of a neutral nation with France, its enemy, not only in warlike stores, but in provisions; and rendering the American merchant vessels liable to detention and search, on suspicion of having goods, belonging in fact, to citizens or subjects of France. Numerous valuable cargoes destined to French ports, in American ships, and ostensibly American property, were

really the property of merchants of France; and thus conveyed for the purpose of safety. The French contended that free or neutral bottoms determined the neutral character of the cargoes; and availed themselves of this doctrine to transport their goods in American vessels, when in their own ships, they were almost always captured, owing to the naval superiority of the British. The American government complained of this doctrine or rule, as injurious to its commerce, as unjust, and *novel*. It was not indeed entirely a new principle, for it had been asserted and followed fifty years before; and other nations, when policy and interest required it, had contended for it. The French government had, in fact, only a few years before, acted on the same principle, in some instances, where American vessels were conveying cargoes in the Mediterranean belonging to the British. It was sufficient, however, for the American administration to remonstrate against the principle, as it operated to the diminution and restriction of the navigation of the country; and as the rule had never received the full approbation or acquiescence of the maritime powers of Europe. It was the opinion of a portion of the American merchants, that the situation of Europe and the dangers which threatened England, furnished a reasonable apology for a revival of this principle; while others insisted, that the dangers of Great Britain could be no reason for such restrictions on the commerce of neutrals, and that the principle ought to be impugned by every independent and maritime nation. But the British administration adhered to the obnoxious rule, and gave orders to their vessels accordingly; which proved highly injurious, and excited strong feelings of dissatisfaction in the United States.

The measures of both the British and the Spanish governments were, at this period, indicative of no friendly dispositions toward America—and there was a portion of the citizens who contended that war would be justified against Spain; and another portion urged a suspension of commercial intercourse with England, in retaliation for her aggressions. This unsettled state of affairs continued for some time; and proved very embarrassing to commercial enterprise, and highly exciting to political parties. A declaration of war by the United States against either of these powers would not have been approved by the majority of the citizens. It would not have been good policy; and while there was any hope of success in negotiations, it was greater proof of wisdom to avoid open and general hostilities.

The controversy with Spain respecting the territory for-

merly possessed by that nation, was the occasion of an expedition on the Mississippi, which, though undefined and professedly harmless to the United States, gave much alarm in 1806, and even led some to apprehend a design to sever the Union. The citizens of Kentucky and Tennessee had been complaining, more than two years, of Spanish misconduct; and seemed ready to oblige them to leave the territory by force: and a few were so inconsiderate as to threaten to form a separate government in the valley of the Mississippi. A wide field was thus presented to the restless and ambitious mind of Aaron Burr, who was Vice President of the United States from 1800 to 1804, and who had lost the confidence of both of the great political parties in the country, to display alike his talents at intrigue and his love of notoriety. He professed no specific object; and it is not probable he had matured any particular exclusive plan. And yet it was necessary for him, to avoid the charge of a treasonable design of severing the Union, to have some ostensible object in view to justify his conduct.

He travelled into the western parts of the United States in 1805 and '06; and learnt more fully the state of feeling in the people, as well as the resources of that section of the country. His declarations were different to different characters, as to his ultimate designs. But it was generally pretended, that his plan was to raise a force and invade Mexico: and this perhaps was necessary, as a cover to a more dangerous purpose: that of setting up a separate government in the west, and including the newly purchased territory of Louisiana. That country contained a heterogeneous population, and great discontent prevailed; and there was a prospect, therefore, of forming a government separate and independent of the United States. But if this should not succeed, or not appear sufficiently feasible, it was necessary to have another object, and that the ostensible one, of passing into Mexico, and giving no disturbance to the Union. How extensive the plan was, it is difficult to decide; but many individuals in Washington, Philadelphia, New York, and other places, had knowledge of some plan of Mr. Burr in the western country and on the Mississippi, not generally known to the community. There was a mystery in his plans and conduct, which excited alarm, and led many to fear that he had real treasonable designs. The President was early apprised of his proceedings, in part at least; and took measures for watching his movements, and of preventing any serious evils to the United States, if any such were intended. He wrote to the Governor of Louis-

iana, and to the military commander of the United States troops in that quarter, to be on their guard against the plans of Mr. Burr, which might be ripe for execution before they were aware of it. And yet Burr sometimes pretended to others that the President knew of his designs; with a view, probably, however, to remove all suspicions of his projects. His associates also charged General Wilkinson, the military commander near New Orleans, in the service of the United States, with being privy to Burr's intentions.

The various movements and preparations of Burr, certainly indicated some unusual and improper enterprise; and few believed, that he was getting up an expedition to invade Mexico. The act itself must have been seen to be improper, and not likely to succeed, if attempted, with the few men Burr could raise. It was more probable, that his real object was, under various plausible pretences, and professing to have other objects in view, to take possession of New Orleans by force, if circumstances should be favorable, and there to collect a sufficient number of discontented and adventurous spirits to maintain himself in power against the arms of the United States; which, at that distance, and in the hands of Mr. Jefferson, he supposed would not be very promptly or very decisively used to subdue him.

Colonel Burr proceeded to the Ohio, in the latter part of 1806, having before been in various parts of the valley of the Mississippi far south; and there prevailed on several individuals of influence to join him, or to afford him their aid. He there collected military stores and provisions, and enlisted men to follow him down the river; sometimes declaring his intention of proceeding against Mexico; and sometimes pretending he was authorized by the President to keep the Spaniards in order, who remained on the territory, and, as was at one time conjectured, to act offensively against the inhabitants in the western parts of the United States. It was said that Colonel Burr had several thousand men engaged to accompany or to follow him, on due notice, while he went down the river, almost alone, and unattended.

Such a man, it must be supposed, had a definite object in view, though probably disclosed to only a few chosen ones in whom he could confide. And there can be very little doubt that his design was to collect men and adherents, in small and separate parties, at or near New Orleans, and there take command, and declare himself independent of the government of the United States. Governor Claiborne he did not fear; and General Wilkinson he probably hoped would come into his views, and assist in forming a new

government in the Louisiana territory. His plans were early suspected, and many of his adherents and associates became alarmed, and declined to support him. Some of his correspondents were arrested at New Orleans, and conveyed, by the military, to Washington for examination; but his friends attempted to represent the affair as unimportant, and wholly disconnected with any treasonable project. Thus situated, Mr. Burr made no further attempts to accomplish his plan, whatever it might have been; but he was arrested, taken to Virginia, tried for treason, and acquitted. His real designs were probably revealed to very few, who faithfully kept his secrets. For nothing was proved to convict him legally of the charge alleged against him. In the opinion of some, who knew him, he was as destitute of moral principles as Benedict Arnold. He had less of bold daring and hardihood; but more talent for intrigue and concealment. His trial was before the Circuit Court of the United States, Chief Justice Marshall presiding. It continued several weeks; and the Court exhibited great impartiality, as well as legal ability.\*

It is declared in the Constitution, "that the importation of such persons as any of the States then existing might think proper to admit, should not be prohibited by Congress prior to the year eighteen hundred and eight." This declaration or provision had reference to the importation of slaves from foreign States and countries; so that there could justly be no act on the subject to take effect before that period. In March, 1807, a law was passed to prevent such importation after the first day of January, 1808. There was no formidable opposition made to the passage of the law; for it had generally been supposed, that after the period limited as above mentioned, such prohibition would be imposed on the introduction of slaves from foreign countries. But a question has since been made, as to the precise meaning of the term *migration*, which is also used in the Constitution; and restricted in the same manner as that of importation. It has sometimes been contended, that Congress had power to prohibit the migration of slaves from one State, which allows of their residence, into a State which does not permit of slavery, so as to be there subject to the treatment of slaves by their owners; and as they might legally be in the former State. The subject has been already often pressed; and a great and alarming excite-

\*President Jefferson and his friends were not satisfied with the conduct or decision of the Court.

ment produced ; good policy seems to require more moderation and forbearance in future.

An Act was passed about this time, which assumed a principle, or power in the national government, the constitutionality of which has been frequently since denied or questioned. This is the subject of internal improvements ; and it has often been denied that Congress had a constitutional right to expend the public monies for such a purpose. Some have denied such a right in all cases ; others have admitted, that on great works of a national character and for the benefit of all the States, and especially, when relating to defence, expenditures might justly be incurred ; while a few have doubted the right in all cases. The prevailing opinion seems to have been, that works, not confined in their advantages to a single State, but of general utility and adding to the general improvement and prosperity of the Union, may justly be undertaken at the expense of the national treasury. And the question usually has been, whether a plan, or a work projected, was of that nature. Canals near the sea, to facilitate the means of conveyance from one part of the Union to another, in time of war, are evidently important in a national view. The Act of Congress at this time was for the survey, and preparing for travel, a public road from the north bank in the Potomac, to the river Ohio, near Wheeling ; with a view to facilitate the intercourse between the country on and near the Atlantic, and the settlements in the valley of the Mississippi, and the northwestern territory. It was chiefly in the State of Virginia ; but it would not be for the exclusive benefit of the people of that State, but for those of the other States on the Atlantic, and for those in the western parts of the Union ; and would also render the public lands in the northwest far more valuable. The political friends of the administration which approved of the measure, have generally, in all cases of a similar nature since, opposed the right of making appropriations for internal improvements. The road has proved to be of great public benefit to a large portion of the Union ; but the sum first voted was not the one hundredth part of the amount afterwards granted to finish and repair the road.

In 1807, Congress also made a law, for the punishment of all frauds, which should be committed on the National Bank. The penalty was not death, which, in European governments is inflicted for such a crime ; but it was very severe, rendering the persons convicted liable to several years imprisonment, and to a heavy fine. This was not



a party question. It was approved by all classes of citizens, and considered necessary for the security of individuals and the government.

Negotiations had now been pursued for some time, for forming a treaty between the United States and England, on the subject of neutral rights, which the British government was charged with having violated; particularly in the seizure of American vessels trading to any country with which it was at war; and in taking men by force from vessels of the United States, under the pretence of their being British subjects. These questions had long been agitated, and the claims set up by Great Britain were highly injurious to the commercial interests of the United States. Two Envoys were sent to London in 1806, to enter into negotiations relating to these important points. After much discussion and delay, a treaty was signed by the American and British ministers, and forwarded to the President early in 1807. But as there was no definite and explicit agreement, on the part of the British, to relinquish their claim of taking their own seamen wherever they might find them; which the American Envoys had been instructed not to recognize, especially as to public vessels; and as an article was appended to the treaty after signing, by which the British government might require of the United States—in case of an invasion or blockage of England by the French, which was then threatened—a variation from the stipulations of the treaty, favorable to Great Britain,\* the President chose not to submit it to the Senate. The additional article, however, it was said might be rejected or declined, without danger to the other parts of the treaty, which had been deliberately adopted by the ministers of both nations. And it was therefore believed that circumstances would not justify a rejection of the whole treaty. The article respecting the impressment of seamen, was modified and rendered less objectionable, by an agreement that the British ships of war should be forbidden to take any men except English subjects; and to do this not by violence or in such manner as to give offence. But the President considered the additional article, to which he would not in any sense assent, as furnishing an objection to the treaty itself; and he was also dissatis-

\* The article required, that the American government should adopt the same rule towards one belligerent, (*England*) as it had towards the other, (*France*.) Or, in other words, the British ministers reserved the right of refusing to ratify the treaty, if France did not abandon its (unjust) pretensions; or should the United States submit to them.

fied with the conduct of his ministers, in consenting to a treaty, which did not bind the British to relinquish entirely their claim to search American vessels for their seamen. The abuses to which this claim gave occasion were numerous, and highly injurious, as well to merchant vessels as to public ships. For with the pretence of their being native British subjects on board of American vessels, they were all liable to be detained, and searched, and citizens of the United States taken from them and forced into the service of England.

It was insisted by a portion of the people, that the President ought to have laid the treaty before the Senate; and if they approved, to adopt it, as it was, or to propose some modification of it, as was done in the case of the treaty made with France in 1801. The American envoys had signed the treaty, and they were the political friends of the President; and it was believed one more favorable to the United States could not be obtained; and that it was to be preferred to open war, or entire non-intercourse with Great Britain, for which some then contended as the best policy. A rejection of the treaty, it was feared, might lead to immediate hostilities; and a system of non-intercourse would greatly diminish American commerce and navigation, and also provoke Great Britain to retaliate by increased depredations, under color of exercising her belligerent rights, as necessary to her own safety against the novel policy of France, her powerful rival and enemy.

Another portion of the citizens fully justified the President in his conduct on this occasion. They insisted that the advice of the Senate could not bind him, and ought not to prevail against his opinion. That it was a matter of discretion and prerogative with him to submit it to the Senate or not; and that if in great doubt himself, he might lay the subject before that body, and if they advised to its adoption, to give it his consent, and place the responsibility on them. This might have been the most prudent course; but if he was decidedly opposed to the treaty, as injurious and dishonorable, he ought, as chief magistrate, to have the power to withhold it. The adoption of the treaty, without the additional note or article, would have been more consistent with good policy, in a neutral government, as that of the United States then was; and would have manifested a sincere desire to conciliate Great Britain, whose good will towards America was highly important. The rejection or suspension of the treaty with England had an unfavorable influence with the British government and their naval com-

manders. They thought they saw in it an unwillingness on the part of the President to conciliate that nation, or to preserve friendly relations between the two countries. They had long complained of partiality in the American government for France, and a readiness to submit to commercial obstructions and interruptions from the latter, which it denounced as unjust in the former. They had also some reason, perhaps, to complain of American commanders shipping British subjects, with a full knowledge or a suspicion of their being such. Had the British commanders gone no farther than to take the subjects of the king of England from merchant vessels lying in harbors, the practice might have been tolerated, rather than to risk hostilities with that nation, to the great injury of the American navigation.— But to allow the public ships of the United States to be searched, could not justly be expected of an independent nation. Nor were the people willing to submit to the great inconvenience of having even merchant vessels detained and searched on the high seas. The British minister at Washington asserted that French armed ships had forcibly taken men from American vessels, on the belief or pretences of their being natural subjects of France; and that no great complaint or excitement followed on such occurrence. And it was also expressly offered, by the British government, when it asserted a right to take their own subjects, where ever found, after requesting their surrender of the commander of the vessel to which they then belonged, that their ships of war should give up any American citizens on board, on request and proof that they were such. One point of dispute on this subject was, that native British subjects, being naturalized by the laws of the United States, were considered Americans by the federal government, as fully as if they had been born within the United States; while the doctrine of the English administration was, and long had been, that its native citizens could not expatriate themselves, so as not to be obliged to serve in defence of their own country. And the time was one of great danger to England, when it was threatened with invasion by a powerful neighboring nation, and its ancient maritime rights and claims expressly impugned.

While negotiations were pending in England, between that government and the United States, on the subject of impressing seamen, by the British commanders, from American vessels, an unhappy and unexpected event occurred which excited direct and uncommon attention to this vexed question, and produced strong feelings of indignation in the

people throughout the Union. The *Chesapeake*, an American frigate of forty-four guns, sailed from the port of Norfolk under Captain Barron; a few hours after leaving the harbor was hailed by an English frigate of about the same size and number of guns—and a boat sent with an officer and several men to the *Chesapeake*, demanding or requesting that three of the crew might be delivered them by Captain Barron, as they were native British subjects, and declared also to have deserted from a British ship of war lying in or near the harbor of Norfolk. Captain Barron said he had no men on board of that description, and that they were all, as he felt assured, Americans—adding that his men could not be mustered but by his own order, and he should not permit any search to be made. On the return of the boat to the British frigate, she proceeded with all possible dispatch towards the *Chesapeake*; and when sufficiently near, fired a gun; but it was not regarded by Captain Barron; at least no return of shot was given. He was in suspense, as to the meaning and object of the British commander; his men were also employed in clearing the deck and stowing away articles on deck, having but a few hours before put to sea. A full broadside was then poured into the *Chesapeake* by the British frigate, which did great damage to the hull and spars and rigging of the frigate; and killed and wounded several men. Captain Barron, considering his ship not prepared for battle, nor decided, perhaps, what course it was his duty to pursue, in such an unexpected emergency, concluded to make no resistance, and surrendered his ship as a prize to the British frigate. The British captain then again sent his boat with an officer and men and took the three men—whom he alleged to be British subjects, and deserters, a short time before, from a British public ship of war—but declined to keep possession of the *Chesapeake*, which returned to Norfolk in a shattered condition.

This was considered a great outrage, even if the facts were as stated by the British commander; and was a proper subject for negotiation to provide a remedy for such evils. But the British officer asserted, that it was known before the *Chesapeake* sailed, that she had British seamen on board, who were deserters; and that on proper application, they were refused to be given up when demanded. Captain Barron declared he had enlisted no such men for his ship, and was ignorant that any of that description had been enlisted by others, or was on board his vessel. The attack of the British was certainly unjustifiable; and yet it was generally believed that due care had not been given to

avoid receiving British seamen on board American vessels ; and particularly in the case of the Chesapeake at the time.

The British government disavowed the act, when it received intelligence of it ; and no orders justifying such conduct had been explicitly given. And yet the king and his ministers had long contended for the principle, which seemed to lead to such a result. For they claimed a right to take their own native subjects at all times and in all places. But they also declared a disposition to guard against the abuses of the practice, by forbidding their naval commanders to take any by force, not fully known or proved to be Englishmen ; and they were willing to forbear the exercise of the right which they claimed, so far as not to search, by force, a public ship of the United States ; but only to demand the surrender of the men claimed ; and to represent the case, when referred, to their government. And, at the same time, were ready to stipulate that their own vessels might be searched, when in harbors, by American commanders, for citizens of the United States. This was the greatest difficulty which occurred in the negotiations pursued during that year, between the federal government and the British administration. Another subject, attended with great difficulty, was that of the rights of neutrals ; which most acknowledged had been often disregarded and violated, both by England and France, during the war of several years then existing. Each government, in its turn, had repeatedly issued orders, operating to the interruption and injury of American commerce ; by assuming new principles, or extending former usage, in blockades : forbidding a neutral vessel to enter the port of its enemy, even with provisions and goods not usually considered contraband. And a whole country was declared in a state of blockade, when only one or two armed vessels were to be found on a very long coast.

A meeting of Congress was summoned by the President in October, 1807, several weeks earlier than the usual time of the fall session ; and a reference to his public message communicated on that occasion, will, in a good measure, show the great subjects then demanding the consideration of the national legislature, as well as his own views of the most important events which had occurred after their previous meeting.

“ The many injuries and depredations committed on our commerce and navigation on the high seas, for years past, the successive innovations on those principles of public law, which have been established by the reason and usage of

nations, as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to England, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They proposed arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of equality. After long and fruitless endeavors to effect the purpose of their mission, they concluded to sign such a treaty as could be obtained, and to send it for consideration; candidly declaring to the other negotiators that they were acting against their instructions; and that their government therefore could not be pledged for its ratification.

“Some of the articles proposed might have been admitted on a principle of compromise; but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form, could have admitted but of one decision, even had no declaration of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorized, than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on those grounds.

“On this new reference to amicable discussion, we were reposing in confidence, when, on the 22d of June last, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels, which had been lying in our harbors, under the indulgencies of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced, by the indignant voice of our citizens, with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels; forbade intercourse with them; and, uncertain how far hostilities were intended, the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place; and such other preparations commenced and

pursued as the prospect rendered proper. An armed vessel of the United States was dispatched, with instructions to our ministers at London, to call on that government for the satisfaction and security required by the outrage. A short interval ought now to bring an answer; which shall be communicated to you as soon as received: then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it, shall be made known to you.

"The aggression thus begun, has been continued, on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from the Chesapeake. These aggressions necessarily led to the policy, either for never admitting an armed vessel into our harbors, or of maintaining, in every harbor such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests. But the expense of such a standing force, and its inconsistency with our principles, dispense with those courtesies which would necessarily call for it; and leave us equally free to exclude the navy, as we do the army of a foreign power from entering our limits.

"To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade, by neutrals, between ports not in amity with them, and being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this *new* law of the ocean, our trade on the Mediterranean, has been swept away by seizures and condemnations, and that in other seas, is threatened with the same fate.

"Our differences with Spain, remain still unsettled, no measures having been taken, on her part, since my last communications to Congress, to bring them to a close. But under a state of things, which may favor reconsideration, they have been recently pressed; and an expectation is entertained that they may now be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place, nor seem immediately to be apprehended."

Reference was also made, in this public message of the President, to the alleged conspiracy of Aaron Burr against

the peace and integrity of the Union, in the following terms :—

“ I informed Congress, at their last session, of the enterprise against the public peace, which was believed to be in preparation by Aaron Burr and his associates; of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic efforts of the militia, wherever called into action, in promptly arranging the difficulties on the Sabine river, repairing to those arising on the Mississippi, and dissipating, before their explosion, plots engendered there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited, on the arraignment of the principal offenders before the District Court of Virginia; that you may be enabled to judge, whether the defect was in the testimony, in the law, or in the *administration* of the law; and wherever it shall be found, the legislature alone can apply or originate the remedy. The framers of the Constitution certainly supposed they had guarded, as well the government against destruction by treason, as the citizens against oppression, on pretence of it: and if these ends are not attained, it is of importance to inquire, by what means they may be more effectually guarded.”\*

It was also stated by the President in his message, that the finances of the government were in a prosperous condition; four millions of the public debt having been paid during the year past, besides meeting the current expenses of the civil list, and the expenditures for several public works authorized by Congress at the preceding session. The general spirit and tone of this message of the President, and most of the measures he had adopted or recommended, were highly approved and commended through the country. The resentment expressed of the attack made by one of the British navy on an American frigate, was no greater than most of the citizens felt on the occasion. And his declining to lay the treaty with England before the Senate, with the great objections which might justly be made to it; especially, as it appeared, he had given new instructions to his ministers, to resume negotiations and to accede to some modifications of the articles most objectionable, with a view to preserve peace between the two na-

\* If Mr. Jefferson was too prudent publicly to disapprove of the conduct of Judge Marshall, at the trial of Colonel Burr for treason, he fully expressed his opinion in letters to his intimate friends, in which he charged the chief justice with partiality for Burr, and intimated that his decision was owing to political prejudices against the administration.



tions; was generally justified by the people. Complaints were, indeed, still made by a portion of the citizens, that the administration was more sensitive under any violations of neutral rights, or exercise of arbitrary power, in impressments, when committed by British commanders, than in similar cases, where the French were the authors. It was also believed to be impolitic to insist on the British relinquishing altogether the practice of searching on board of neutral ships for their own seamen, who had deserted; and that, if open hostilities followed the non-agreement on this subject, great blame must attach to the President who refused to accept a treaty, without adjusting this point of dispute to his entire wishes. This excluding all British public vessels from the harbors and waters of the United States, by proclamation—instead of confining the exclusion to the ship, or squadron, by which the attack was ordered and made; and before the British government had time to disavow the act; was also deemed to be indicative of a disposition to widen the breach between the two governments.

It was said, that it would have been more dignified, as well as more prudent, to have waited to learn what explanation the British rulers would offer in the unfortunate occurrence. The decrees of the French government, relating to neutral commerce, by which citizens of the United States were deeply and injuriously affected, were said also to be equally a departure from, and therefore an *interpolation* of the laws of nations, as the orders of the British; and that far less remonstrance had been made by the federal government against the one than against the other. It was also observed, that the President should have given strict orders to the commanders of the United States vessels, not to harbor deserters from the British service, nor to enlist seamen who were known to be native subjects of that kingdom. The charge against the President, was in substance, that there was not that spirit of real impartiality displayed, which was proper for the government of a neutral nation, in the diplomatic intercourse with the two great European belligerents. The extent or degree of partiality for one nation, if it existed at all, would not be susceptible of accurate statement or description.

The occlusion of the ports and harbors of the United States against all British ships of war, before the conduct of the English government was known in reference to the recent attack, served to create an obstacle in the way of a speedy and amicable adjustment on that subject. For though the British ministry promptly declared the act un-

authorized, and appointed a special Envoy to the United States to make suitable explanations, when the proclamation of the President was known, it produced an unfavorable effect; and they said no amends or explanations were necessary, as the federal government had punished the improper act, by excluding the British ships of war from their harbors, without a reasonable suspension of a retaliating measure for the injury committed. Whether this plea for declining the offer of an apology or disavowal, was sufficient, there were different opinions expressed; and the circumstance proved a fruitful source of diplomatic correspondence.

The allusion in the message to the trial of Aaron Burr and others, charged with treason against the United States, and with a design to divide the Union, was considered exceptionable by impartial jurists, and by the sincere friends of the Constitution; as they believed they saw in it a disposition to lessen the dignity and to undermine the independence of the judiciary department. The suggestion in the message might have been taken as a recommendation to amend the law, on the subject of treason, and to make it more strict and severe; but, on a natural construction the implication evidently was, that the judges had not done their duty, and that their conduct was deserving investigation. The President was known to have expressed views on other occasions unfavorable to the independence of the judicial department: and his sentiments relating to the subject were closely observed; perhaps an unfounded suspicion was indulged as to his real views of the correctness of the judges' conduct. Great impartiality was shown by them at the trial; and dangerous and treasonable as the plans of Burr might have been, he could not have been justly convicted without sufficient legal evidence. The law is too sacred to be made to swerve from a direct course in times of party excitement, or to favor the wishes of those high in power; and should be administered by fixed rules and principles, certain and undeviating as the laws of nature.

The principles avowed and the conduct pursued both by the British and French governments, at this period, were so injurious to the commerce and navigation of neutrals, especially as affecting the United States, that there was just reason for the President and Congress to complain against each of these belligerents; and to adopt measures of prevention or redress. Each of these governments had sometime acted on principles, not generally admitted to be

correct by neutral nations; or had extended the application of former rules, in such cases, to an extreme, which went to annihilate all neutral rights, and to render a nation, at peace and pursuing its lawful commerce, liable to constant depredations and losses. Not only were the vessels of neutral nations made liable to seizure for attempting to enter a blockaded port, or for conveying articles commonly considered contraband in time of war; but a whole country was pretended to be in a state of blockade, when no vessels of war were near; and all provisions were declared contraband, as well as munitions of war, and naval stores. France and England had alike offended against the rights of neutrals in these respects.\* And the navigation of the United States was almost swept from the ocean by such arbitrary proceedings of the belligerent nations of Europe. There seemed to be no prospect of safety, but in abandoning all commercial enterprise. And some individuals in the federal government, at the time, and the President and Secretary of State, were supposed also to be in favor of such a policy; and to prefer non-intercourse, and embargoes for a long period, as the most sure and effectual remedy. But the people of those States, which were extensively engaged in commerce, were desirous of negotiating on the subject, in the hope of preventing a state of actual war, and of maintaining their maritime rights.

While the President and his ministers adhered to their demands, on the subject of impressments and the commercial rights of neutrals, and there were no indications that England or France would withdraw their high pretensions, or cease to commit depredations on the citizens of the United States, the apprehensions of war prevailed; and yet little was done by government for the defence of the country. A few more gunboats were ordered to be built; but these could only afford very limited means of

\* The decree of Buonaparte, dated at Berlin, in October, 1806, was as great an interpolation of the laws of nations, as any order of the British government, of which the President had complained. It declared, "the British islands in a state of blockade, and interdicted all intercourse with them; and all vessels from England, or her ports, entering the ports of France, or of her allies, were forfeited. And in December following, another decree was promulgated by the Emperor, from Milan, declaring all neutral vessels, which had been searched or visited by the British, *denationalized*, and made lawful prizes; and reiterating the former declaration, that the British islands were to be considered blockaded both by sea and land. In November, 1807, the British orders of council were issued, (or received,) professedly in retaliation of the French decrees. Similar orders, however, though less severe and injurious, had been adopted by the British government.

defence, and that in a few situations. The principal fear was a war with England, as it would prove highly disastrous to the interests of the United States. That government, however, had declared its purpose to guard against abuses under their system of searching neutral vessels for their own subjects: and had promptly sent an Envoy to the United States, to tender reparation for the attack on the Chesapeake. But a new difficulty arose in the way of a speedy settlement of this unfortunate event. The proclamation of the President, interdicting the harbors of the United States to all public British ships, and its continuance, after the appointment of a special minister to offer explanations for the single act of violence committed, was alleged as an excuse for not giving such explanations. And the arrival of an Envoy for a pacific purpose, in this state of the question, served to present new obstacles to a friendly adjustment, rather than to ensure it.

In this state of affairs with foreign nations, and with the prospect it suggested, the President was induced, in December, 1807, to recommend an embargo; which was immediately approved and ordered by Congress. The principal design of the President, in this measure, appears to have been the safety of American vessels and property: while he believed it would operate, in some measure, as a non-intercourse with France and England; and thus injure those nations more, perhaps, than open hostilities. The measure was considered expedient by the majority of the people; while a large portion believed it would prove unavailing in its influence, to lead the British ministry to a disposition for a more favorable adjustment of the existing dispute: and many were wholly opposed to an embargo, as imposed by this Act; inasmuch as there was no provision for limiting it to a certain period. An embargo had been laid by the old Congress, early in the war of the revolution; and again, in 1794, under the presidency of Washington; but these were limited to thirty or sixty days. But the present Act, for this measure, was indefinite as to the term of its operation; and it could not be withdrawn, even by a major vote of Congress, if the President should not approve of it. If it were intended as a measure of annoyance and injury to a foreign nation, it was putting it in the power of the President to make war; and if it were designed chiefly as a means of safety, it was said, the merchants were the best judges, as to the risk and the dangers. A neutral position was evidently favorable to the interests of the nation; and had the design of

the embargo been to prevent war, and to preserve the benefits of neutrality to the United States, it would have been borne without complaint. But to withdraw entirely from the ocean, was not the way to ensure prosperity, nor to gain the respect of other nations. And there was too much reason to believe, that the measure had been recommended and adopted, at the secret instance of the French Emperor, who sought to destroy or to limit the commercial business of his rival, Great Britain; and who insisted on the co-operation of the United States, directly, or indirectly, in his plans to subjugate his natural and powerful enemy.

The papers communicated to Congress, when the embargo was recommended, did not prove the measure to be necessary; and those kept back, as it was at the time supposed some were, and afterwards was admitted to be a fact, only confirmed the belief, that it was at the desire or with the approbation of the Emperor of France, that the embargo Act was then adopted. The letters of the American Envoys in Paris, afterwards published, stated various conversations and facts, which showed that the Emperor expected an embargo would be laid by the American government, and that it would meet his approbation; though he might have been better pleased if the United States had declared war against England.\*

The conduct both of England and France, at this time, as it had been for two years previously, was very injurious to American commerce; for most of the vessels of the United States, bound to either of those countries, were seized by armed ships of the other nation. And the dangers to navigation were great and extensive: But it was the opinion of men entitled to respect and confidence for their good

\* The Emperor had said, there should be no neutrals: that the United States should be decided friends, or he must treat them as enemies. And he predicted in October, that an embargo would be laid in America; which was imposed by Congress, in December after. The President used the following language in a confidential letter to his minister in Paris, October, 1808, "Buonaparte does not wish us to go to war with England; knowing we have not ships sufficient to carry on such a war. And to submit to pay England the tribute on our commerce, which she demands by her orders in council, would be to aid her in the war against France, and *would give the Emperor just ground to declare war on us.*" The spirit of the Emperor was so assuming and despotic, at this period, that he is reported to have said—"The Americans ought to tear up their Act of Independence, and to become again, as before their Revolution, the subjects of England; or to take such measures as that their commerce should not be *tariffed* (taxed) by the English." And this language he used, because the United States would not declare war against England, as he desired; but was disposed to settle difficulties with that nation by negotiations and a treaty.

judgment, that negotiations conducted in a proper spirit, would have prevented the difficulties and evils which occurred to the United States; and that more decision and firmness would have prevented war and preserved commercial prosperity. In France, the American Envoys spoke with far more independence and propriety, than their instructions from the President could have inspired; and they even expressed surprise that some resentment was not manifested by the federal administration. They could not believe, that the terms dictated by the Emperor would be received with so much readiness by the chief magistrate of a great republic. And the American ministers in England expressly declared, that a treaty might have been made with that government, which if not in all respects such as was desired, might be accepted, without injury or dishonor to the United States. But the President expressed an opinion in favor of an embargo; and his wishes were then a law to the majority of Congress. What were his secret views can only be matter of conjecture, from the events of the time. He, however, declared it to be a measure of *coercion*, and not directly of war, towards Great Britain, whose conduct he deemed most unjust, while many of the people viewed the measures of France equally arbitrary and improper. War has usually been considered a peculiar measure of coercion; but the President made a distinction between open and declared hostilities, and other measures designed to *compel* the government of England to accede to the terms proposed by the United States.

The British Envoy, appointed to offer reparation, or to make explanation and apology, for the attack on the Chesapeake, arrived at Washington, in December; and soon after the embargo Act had been adopted by Congress. He had been sometime expected; and the object of his mission was well understood. Whether the embargo was hastened, with an expectation that he might offer to make reparation or apology for that injury, of which prudence would require the acceptance, could not be fully decided. But such an opinion was entertained by a large portion of the citizens. And though the President had declared his desire to avoid war with England, and had made efforts at negotiation to prevent such a calamity, the various acts of submission to French usurpation, and a tenacious adherence to particular terms of peace with England, to which it was known, that nation would not consent, gave strength to the belief, that he was not very anxious to avoid hostilities;

or would prefer war with Great Britain to the resentment of the rulers of France. The ostensible reason for the embargo, however, was the arbitrary decrees and the injurious practice both of England and France, and the only way for saving commercial property from the grasp of each: for it might be said with much truth, that those two belligerent nations had been long waging a maritime war with the United States.

It was expected, that a discussion would take place without delay, with the new British Envoy, respecting the special object of his mission; and that it would soon be known, whether the explanation and reparation offered would be accepted, or the dispute with England, on that and other subjects, would issue in open war. But there was an unaccountable delay in conducting the negotiation; and it afterwards appeared, that various obstacles were presented by the President to an early commencement of correspondence on this subject; such as a desire to hear again from the American Envoy in England, and the feeble health of the Secretary of State, whom he wished to conduct it.

When the correspondence between the Secretary and the British Ambassador, at the call of the House of Representatives, was published, sometime after, it appeared, that the special Envoy from England had been very urgent to adjust the affair of the Chesapeake; and had declared his authority to offer what his government considered an honorable reparation, as well as a disavowal of the act; with an assurance that an agreement be made not to search the public armed vessels of the United States for their seamen. And he also made it known to the President and Secretary of State, at an early day, that he was instructed to treat solely on this act, and without reference to any other matter in dispute between the two nations. But the President saw fit to decline treating on this single subject, and to introduce several other topics to be connected with it, and settled at the same time. The British Envoy replied, that his instructions did not permit him to connect any other subject with this case; and declined all farther correspondence, except a general reference to former difficulties, in answer to a long note of Mr. Madison, the Secretary of State, in order to show, that in his opinion those difficulties might be easily removed, if there was a sincere desire to remove or adjust them, and that his government did not consider them just causes of war. As in many other cases of a public nature, and especially those relating to the conduct of the federal administration with

respect to the policy both of England and France, at that period, there were different opinions expressed, as to the propriety of the course pursued by the President. And perhaps there were too strong party feelings existing, to secure or call forth an expression of sentiments entirely impartial and just.

As there was some provocation given, by enlisting and refusing to give up British seamen, and even British deserters, which was the occasion and pretext for the rash and violent act of the British commander, as it was supposed to be unauthorized by his government; and as the British cabinet promptly disavowed and regretted it, and immediately sent a special ambassador to make an apology and reparation for it, it was the general opinion of the people, that the unhappy affair should be settled at once, if the explanation tendered was proper, and not be embarrassed or delayed by a reference to other subjects. And some believed, that a wish to please the Emperor of France, or to avert his displeasure, who had said, "that the American government could not submit to the British conduct, but would declare war against that nation," had an influence in leading to the course pursued by the President.

The language and conduct of the Emperor, at this period; manifested such an interference with the measures of the United States, as to justify the prevailing opinion, that great firmness was necessary in resisting his unjust claims; and that, when this was not manifested, there must be an improper fear of his displeasure, or an equally improper desire for his favor and friendship. The course of the administration at this time was not generally considered to be strictly impartial. The letters received from the American Envoys, both in France and in England, were long kept from Congress; and afterwards only partially communicated, and several of these required to be returned to the President, without being made public. Some of those citizens who had been the warm political friends of the administration, were dissatisfied with this conduct. And when the letters, permitted to be laid before the people through the press, some months after, were read, it appeared, that the British government was really desirous of maintaining peace with the United States, and of making some sacrifices to prevent a war; while the spirit of the French Emperor indicated little respect for the government, and little regard for the interests of America; especially, if his object could



be obtained, of inflicting the greater injury on the commercial and naval power of England.\*

The conduct of the Emperor was considered, by a great portion of the people, alike unjust and dishonorable. Decrees of an injurious tendency to neutral commerce, when remonstrated against by the American Envoy, were declared not to be in force towards the citizens of the United States; and yet, in several instances, within a year from such assurances, they were put in execution, even on the cargoes of vessels driven into France by stress of weather, or wrecked on its coasts. And the allies, or the vassals of France were required by the Emperor to conduct in a similar manner towards American vessels and property. And it was justly deemed dishonorable either to antedate a decree, or to pass it in secret, and afterwards to claim the benefit of having issued it at an earlier period than its publication.

When the people were possessed of these facts, they became still more dissatisfied with the embargo. Grievous and restrictive as the measure was, it would have been borne with patriotic patience, had it been supposed necessary to vindicate and preserve the rights of the nation; but when it was believed it had been adopted in conformity to the views of a foreign power, the complaints increased; and some of the members of Congress, who at first supported the measure, on the recommendation of the President, were desirous of repealing it. The majority, however, were in favor of continuing it; and additional acts were soon after passed by Congress, rendering its provisions more strict and more oppressive. The coasting vessels, and even the fishermen, on or near the coasts, were subjected to severe restrictions in their business, and required to give large bonds, on leaving a port, under the pretence of their having intercourse with British ports or vessels. And when, some months after, as the opposition to the embargo increased, the act was suspended, or withdrawn by the President, as he had been authorized by Congress, in April, 1808, on the repeal of the orders of the belligerents affecting neutral

\* Mr. Armstrong, the American Envoy at the Court of France, wrote to the President, in January, 1808, "That the Emperor considered war as then existing between the United States and Great Britain; and that he considered it as declared, on the publication of the British orders in council, of November, 1807; which, though just cause of complaint by the federal government, were really retaliatory of the previous French decrees, and not more arbitrary and dangerous. No good apology can be offered for these orders, but it was said, they were less injurious to neutrals, than those issued by Cromwell, 1655.

commerce, and a system of non-intercourse with European nations was adopted, the embarrassments and hindrances to foreign trade were equally injurious; and the dissatisfaction with the policy of the administration continued unabated. Still, the majority of the people expressed their confidence in the wisdom of the President and his cabinet, and believed their views favorable to the liberty and independence of the nation, with a proper spirit of opposition to the claims and orders of Great Britain, affecting the maritime interests of the United States. The policy already adopted and pursued for two or three years, was therefore continued;—the conduct of both England and France being injurious to neutral rights, and great deviations from the law of nations as generally admitted;—till it issued in a war with the former nation; which was prosecuted till the other met with great reverses, and became less formidable to neutral nations. The course of the American government was evidently surrounded with difficulties; and it was not an easy task to satisfy all parties; but the opinion prevailed to a great extent, that, by strict impartiality and firmness, united with a spirit of moderation, the difficulties might have been prevented, or removed; and war wholly averted.

It was often interrogated, at this period, what would have been the state of the country, if the policy which dictated a long embargo and non-importation and non-intercourse then pursued, had been adopted in 1794, when equal difficulties existed with England. An embargo was, indeed, then laid for a limited and very short period; not however as a measure of *coercion*, but of protection; and a non-importation was also then proposed, but rejected. And by negotiation, in a truly friendly spirit, with a character of firmness and impartiality in the administration, peace was preserved, indemnity made for maritime wrongs and depredations; and commercial prosperity fully restored.

Some measures of defence were adopted during the session of Congress, which began in October, 1807, but not till the spring of 1808. For the measure of the embargo, with subsequent attempts to repeal or modify the act, and additional laws to enforce it, long occupied the time of the national legislature. The President was authorized to cause several fortifications on the seacoast to be repaired or completed; and to have others erected, as he might judge necessary for the defence of the harbors and the vessels therein. Provision was also made for building and manning a large number of gunboats for the same purpose. Two years before, the President was authorized to employ

gunboats, and two hundred and fifty thousand dollars appropriated for that object—an additional sum was now voted to increase these means of protection and defence—an act was also passed for raising eight additional regiments of regular troops; for detaching one hundred thousand of the militia to be apportioned, by the President, among the several States; and for arming the whole body of the militia in the United States. The law of Congress, passed in March, 1805, for the preservation of peace in the ports and harbors of the United States, was, at this session, ordered to be continued for two years. This act had reference to treason, felony, or misdemeanor, or breach of the peace, within the jurisdiction of the United States, by persons belonging to foreign armed vessels; and “in order to prevent insults to the authority of the laws, by which the peace of the United States with foreign nations might be endangered, the President was empowered to interdict, at his pleasure, the entrance of the harbors and waters under the jurisdiction of the United States, to all armed vessels belonging to any foreign nation, and by force to repel and remove them from the same, except when driven in by the dangers of the sea, or other distress.”

The prosecutions, on account of the alleged treasonable plan of Aaron Burr, had now subsided; although he and some of his associates were complained of before a court in Ohio, after his acquittal in Virginia, by the Circuit Court of the United States; but one of the Senators in Congress from the State of Ohio, John Smith, was suspected of being privy to, and aiding in the project; and a charge was brought against him in the Senate, with a view, among some of the members, to his expulsion from his seat in the national legislature. Smith had been indicted by a grand jury in Virginia, in August, for treason, and a misdemeanor; but no conviction was had, and the case was discontinued or postponed. In November, 1807, a committee of the Senate was appointed, composed of seven members, to consider “whether it were compatible with the honor and privileges of that body, that he should be permitted any longer to hold his seat as a Senator.” A report was made the last of December, and a resolution offered by the committee, declaring, “that, by his participation in the conspiracy of Aaron Burr, Mr. Smith was guilty of conduct incompatible with his duty and station as a Senator of the United States; and that he be, therefore, expelled from the Senate.” At his request, Smith was heard in his defence, by council before the Senate; but it was made a question,

whether strictly *legal* proof were necessary to convict him; or whether the Senate might exercise their discretion in the case, and require only satisfactory evidence of his concern in the conspiracy. Near the close of the session, and after many days being occupied on the subject, a majority of the Senate voted, that Mr. Smith be expelled; but there were not two thirds in favor of the resolution, the constitutional majority required in such cases, and he retained his seat.

The embargo laid in December, 1807, was continued for nearly fifteen months; and caused great complaint and suffering, especially with those concerned in navigation, or living near the seacoast. In November, 1808, as well as at an earlier day, a formal motion was made in the Senate, to repeal the embargo act. The motion was offered by Mr. Hillhouse of Connecticut; and by him and others, the evils of the measure were fully pointed out, as well as its inefficiency to coerce the British government to abandon its maritime rights, or to adjust the disputes between the two countries, on the terms urged by the federal Executive. Mr. Lloyd of Massachusetts supported the motion for a repeal of the embargo, with great intelligence and ability.

Mr. Lloyd said, he considered the question as important as any which had occurred since the adoption of the Constitution: that it deeply implicated, and perhaps would determine the fate of the commerce and navigation of the country—a commerce which had afforded employ for nearly a million and a half tons of navigation; which had formed occupation for hundreds of thousands of our citizens; which has spread wealth and prosperity in every region of our country; and which had upheld the government, by furnishing the revenue for its support. Surely, this is a commerce, said Mr. Lloyd, not to be trifled with; a commerce not lightly to be offered up as the victim of fruitless experiment.

He admitted that our commerce had been subject to great vexation and plunder by the belligerents of Europe.—“There was no doubt,” he added, “that both France and England had violated the laws of nations, and immolated the rights of neutrality; but there is, in my opinion, a striking difference in the circumstances of the two nations; the one, being instigated by a lawless thirst for universal dominion, is seeking to extend an iron-handed, merciless despotism over every region of the globe, while the other is fighting for her *natale solum*: for the preservation of her liberties, and probably for her very existence. The one

professes to reluct at the inconvenience she occasions us, by the adoption of measures, which are declared to be merely measures of retaliation on her enemy, and which she avows and will retract as soon as the causes which have given occasion to them are withdrawn. The other, in addition to depredation and conflagration, treats us with the utmost contumely and disdain: she admits not that we possess the rights of sovereignty and independence, but undertakes to legislate for us, and declares, that whether we are willing or unwilling, she considers us as at war with her enemy: that she has arrested our property, and would hold it as bail for our obedience, until she knows whether we will servilely echo submission to her mandates.

“There can be no doubt that the conduct of the belligerents gave rise to the embargo. But if this measure has been proved, by experience, to be inoperative as regards them, and destructive only as it regards ourselves, then every dictate of magnanimity, of wisdom and of prudence, should urge the immediate repeal of it.” Mr. Lloyd proceeded to show the great and extensive injury produced by the measure to the commerce and navigation of the United States, and its impotency as a means of annoyance or of coercion to the belligerent powers of Europe. But the eloquence and the arguments of the patriotic senator produced no effect, at the time, on the national councils, and the embargo was continued several months longer.

In referring to the embargo, in his message to Congress, November, 1808, the President used the following language: “No event having occurred, (although propositions were made both to the French and British governments for the purpose,) on which a suspension of the the embargo by the executive was authorized, it remains in the full extent originally given to it. We have the satisfaction however to reflect, that in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism,\* it has had the important effects of saving our mariners and our vast mercantile property, as well as affording time for prosecuting the defensive and provisional measures, called for by the occasion. It has

\* The people did indeed manifest their patriotism during an unlimited and protracted embargo. But their remonstrances against the measure were constant and strong. Some able statesmen deemed the measure unconstitutional; still the people did not openly resist or forcibly oppose; although they did, in many instances, evade it. And this afforded proof that they, who had most to risk or to lose, were disposed to send their vessels to sea, when they could do it with a prospect of not being detected.

demonstrated to foreign nations, the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of the country ; and thus long frustrated those usurpations and spoliations, which, if resisted, involved war ; if submitted to, sacrificed a vital principle of our national independence."

The other topics referred to in the President's message at this time, were the failure of the negotiations with Great Britain, relating to the attack on the frigate Chesapeake, and to disputes of an older date, concerning the rights of neutrals, the doctrine of blockades, and the British orders of council, so injurious to the navigation and commerce of the United States. But no new matter on these subjects was communicated to Congress.

The condition of the Indians within the United States, was also noticed in the message ; and it was stated that no difficulties or disputes of a serious nature had then recently occurred. The President informed Congress that he had not deemed it necessary to call for detachments of the militia, as he had been authorized ; but he expressed an opinion, that in the following year it might be proper to have them in readiness for effective service. He had, however, given orders for raising an additional military force, and had appointed as many officers for that object as appeared to be necessary. The seacoast had also been fortified in several places, as Congress had authorized, and one hundred and three gunboats had been built during the year 1808.

This was the last annual message of President Jefferson to the national legislature ; and closed with the following paragraph :—

"Availing myself of this last occasion, which will occur, of addressing the two Houses of Congress at their meeting, I cannot omit the expression of my sincere gratitude, for the repeated proofs of confidence manifested to me by themselves and their predecessors, since my call to the administration, and the many indulgences experienced at their hands : and the same grateful acknowledgements are due to my fellow-citizens generally ; whose support has been my great encouragement under all embarrassments. In the transaction of their business, I cannot have escaped error ; it is incident to our imperfect nature. But I may say, with truth, my errors have been of the understanding not of intention : and that the advancement of their rights and interests has been the constant motive for every measure.

On these considerations, I solicit their indulgence ; looking forward with anxiety to their future destinies, I trust, that in their steady character, unshaken by difficulties, in their love of liberty, obedience to the law, and support of public authorities, I see a sure guarantee of the permanence of our republic ; and, retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion, that Heaven has in store for our beloved country, long ages to come of prosperity and happiness."

The general policy and measures of President Jefferson were disapproved by a large portion of the people ; and among them were some of the most intelligent, and patriotic citizens in the United States. The principal charges made against him were, an early dislike to the federal Constitution ; an undue attachment to France, during the war between that nation and Great Britain : an imprudent censure on the political conduct of his predecessors ; an opinion that settled maxims and rules should yield to the popular will, or popular clamor under excitement ; an unfriendly disposition towards commerce and a navy ; and a dangerous theory respecting the judicial department of the government, as if it should not be independent of the chief magistrate, or of an accidental and temporary majority in the legislature. Perhaps his political opponents sometimes charged him unjustly or uncandidly. But before he came into office, as President, he had given an opinion, that the Constitution was defective, and the government under it too closely assimilated to monarchy ; and that the measures of his predecessors were impolitic, if not indicative of anti-republicanism. He had thus exposed himself to the criticisms of a portion of the people ; and prejudice, therefore, might have had some influence in the severe strictures made on his leading measures. It cannot be denied that his views and policy differed, in some respects, from his illustrious predecessors. Nor can it be any more justly doubted, that his political opinions and conduct served to lessen, in some measure, the stability and permanency of the republic ; by emboldening visionary and unprincipled men, many of whom were aliens, and who could vociferate most loudly for liberty, but had not a due respect for law or the Constitution. His appointments and removals from office, in many cases, justified the belief, that he had no particular sympathy for the officers of the revolution ; while Washington, who was the first president, after the formation of the federal government, selected most of them to fill offices of honor and profit.

## CHAPTER VIII.

James Madison elected President. Foreign Relations Embarrassed. Arbitrary Measures both of French and English Government. Interruptions of American Commerce. Difficulties of the Period. Embargo. Non-intercourse with Great Britain. Unsuccessful Attempts at Negotiation. Indications of War. Conduct both of British and French Justify Resistance. Opposition or Reluctance to War. A War Party, and a Peace Party. War declared. Small Majority in Favor. President disposed to Avoid it.

MR. JEFFERSON retired from the Presidency the fourth of March, 1809, having held the office of chief magistrate of the Union for eight years; and James Madison, of Virginia, was chosen to succeed him. The former was not a candidate, at this time, for a re-election; the reason offered for declining was, to conform to the precedent made by Washington, who did not think it proper for one person to hold the office beyond two terms of four years each. Mr. Madison had been several years a member of Congress; one of the Convention which framed the federal Constitution, and Secretary of State, during the presidency of Mr. Jefferson; whose policy he approved and followed. Congress met in May, 1809, agreeable to a law passed in the month of January previous. The critical state of the nation was considered a sufficient reason for fixing on so early a day. War was then apprehended with England or France; and the disputes, of long standing, were attended with as great difficulties as at any former period; and seemed to be hastening on an important crisis. At this session, the act interdicting commercial intercourse between the United States, and Great Britain and France, passed in March, 1809, was continued, with some modifications. The first act was adopted soon after the embargo had been repealed; and extended to vessels belonging to France, as well as to England; the armed ships of the latter only having been prohibited by the proclamation of the President, issued in July, 1807, on the occasion of the attack of the British ship of war on the frigate Chesapeake. No very material alterations, however, made in the former law, so as to restore the intercourse which had existed before the decrees and orders of the two European belligerents, were adopted; or to permit the entrance of their vessels into the harbors of



the United States, except in particular cases, and under specific restrictions. This extra session was short, and terminated on the 28th of June.

Soon after the departure of the British Envoy, who had been sent to the United States to declare the attack on the frigate Chesapeake unauthorized by his government, and to tender reparation for the indignity, in which he did not succeed, under the instructions and powers given him; the resident minister of that Court at Washington made a proposition to the American administration, which was favorably and promptly received, and gave a strong hope of an amicable settlement of the protracted disputes between the two nations, relating to commercial rights and pursuits. It was of the following purport—"That the British Orders in Council, issued and repeated in 1807, should be withdrawn in June then ensuing, so far as affected the United States, provided the intercourse should be renewed between America and Great Britain." The President issued a proclamation on the 19th of April to that effect; to be in operation after the first of June, following; as he was empowered by a previous act of Congress. The British minister, also, offered reparation for the attack on the Chesapeake; and further stated, that an Envoy would be sent to the United States with full power to treat on all the subjects which were in dispute between the two governments. But this auspicious hope, so cordially welcomed, was soon destroyed, by a refusal of the British government to sanction the overture; with a declaration, that no such authority or instructions had been given to their minister. And the President thereupon issued another proclamation, in August, declaring the act of non-intercourse to be revived and in full force. The British government had the justice to issue a particular order, to prevent the seizure of American vessels which had sailed after the first proclamation. But the feelings of the American people were greatly irritated by this transaction; and a war with England, if proposed, would have been more popular than at any former period.

It could not, however, be denied that the British minister had exceeded the authority given him in his instructions; and he admitted that he had done so, when he said, in a letter to his government soon after, "That nothing would have induced me to deviate, in any degree, from the orders I had received, but a thorough conviction, that by so doing I should accomplish the object, which his majesty had in view; when, by too strictly adhering to the letter of my instructions, I might lose the opportunity of promoting es-

essentially his majesty's interests and wishes." The Envoy was soon recalled, and another appointed in his stead.

The promptness with which the administration met the proposition of the British Envoy, served to remove the suspicion of its being averse from pacific purposes towards England; and that government was now generally censured, though its conduct after the affair of the Chesapeake, was admitted friendly and honorable. Its policy was too injurious to the American commerce, under the revival of the arbitrary rule of 1756, which it adopted towards neutrals, to find many willing to apologize for the depredations committed; and the plea of retaliating on France for the arbitrary decrees of the Emperor, did not appear a sufficient justification. There was probably no desire on the part of the Court of Great Britain to provoke a war with the United States; but in the situation that nation then was, surrounded with difficulties and dangers on every side, and struggling, as it were, for existence, it was natural to resort to extreme measures for defence, where former practice and precedents afforded a plausible pretext for the course pursued. With the avowed design of destroying or weakening the power of the other, each of the belligerents inflicted great injury and great injustice on the American commerce, and called forth the feelings of resentment to such a degree, that the most expensive measures for defence would have been approved; though war might not have been justified, without further attempts at negotiation.

Another Envoy, appointed by the British government, arrived at Washington in the latter part of the year 1809. He was directed to state the reasons for a refusal to confirm the agreement made by his predecessor with the American government in April; and authorized to form a Convention on commercial subjects with the United States. But he displayed less of a mild and conciliating spirit than the former ambassador from that court; and was so anxious to vindicate the honor of his own government, that he made insinuations on the character of the American cabinet, unusual in a diplomatic correspondence. He appeared disposed not to make concessions, but to deal in censure and criminations. His principal charge was, that the President and his Secretaries must have known that his predecessor had deviated from his instructions, and exceeded his powers, when he made the agreement which was afterwards disapproved by the British government, and that the President, therefore, could not justly complain of

its rejection. This charge was reiterated by him, after it had been denied by the American Secretary; and however he might be satisfied, that other terms were substituted for those imposed on the British Envoy, and with the full perception of the American administration, it was deemed highly improper in him to make and repeat the insinuation. The President may be supposed to have perceived, that the terms of the Convention of April, 1809, were a departure from the directions given to the British Envoy, who agreed to it, and yet not to have known that such were *all* or the only instructions he had received. It was not for the American administration to ascertain the full extent of the authority of the Envoy, but to make the most favorable treaty to which he would give his assent. This was a difficulty to be adjusted between the British government and its public agent. And while that government claimed the right to reject it, without subjecting itself to the charge of wishing to produce a war between the two countries; the President of the United States did not render himself liable to insult or censure for forming a Convention the most favorable to be made with the British Envoy. The correspondence with the new minister from England was maintained for some weeks, but each party considered itself harshly treated, and uncourteous language was used by each; and the President, after several letters passed between them, directed the Secretary of State to receive no further communication. The offensive expressions contained in these notes were rather of a personal nature, or on account of supposed insinuations against the honor of the administration; the merits of the controversy between the two governments were not discussed.

By the abrupt termination of this attempt at negotiation, and the failure of several former efforts for that purpose—as the rejection of the treaty signed by the American Envoys in London, in 1807; the declining to treat with the British minister, deputed to offer reparation for the affair of the Chesapeake; the non-acceptance, by Great Britain, of a Convention made in 1809—the prospect of maintaining friendly relations with England was greatly obscured, and war appeared almost certain and inevitable; except that neither nation was disposed to adopt such an alternative; and both, probably, believed its interests would suffer by it.

The principles advanced by the British government, however founded in former precedent, or necessary to the prosperity of that country, were such as an independent,

powerful and neutral nation could not fully admit. The British insisted on the right to their native subjects, and to search for and seize them, if found in the merchant vessels of neutrals; to prohibit to a neutral nation the colonial trade, in time of war, which it was not allowed to use or profit by, in peace: thus preventing the trade, in American vessels, from the colonies of France or Spain to the ports in the parent country, which, in time of peace, those nations had respectively monopolized. To these claims, the government of the United States was not disposed to yield; but offered to repeal the act closing their harbors and ports against the British ships of war; and to suspend the non-intercourse system as to that nation, while they should be in force against France, so long as it continued its obnoxious and injurious decrees. The subject of impressments also presented great difficulties. But the claims and propositions of the American government were such, that the British ministry could not be justly censured for not admitting them.

The British minister left Washington immediately on receiving notice that no further communications would be received from him, November, 1809;\* and took up his residence in New York: and the President, by his Envoy in London, requested his recall. This was accordingly done, in March following; but without any censure expressed, as to the conduct of the Envoy, or the offer of any apology to the American government for the insult which it was alleged he had given. Nor did the court of England deem it necessary, or expedient, for some time, to appoint another minister to the United States. It was not disposed to declare war, nor to abandon its claims, however strongly opposed by the American administration, of a right to take its own subjects from merchant vessels, to enforce its doctrine relating to blockades, and to prevent the trade by neutrals between the colonies and their parent country in Europe, in war, as well as in times of peace. The non-intercourse and non-importation acts of the United States, operated in some measure, to restrict the trade of Great Britain; but this inconvenience was far less than to have consented to the demands of the American government, while the French decrees remained in force.

\* On the 18th of November, he published a circular, in which he reiterated the assertion, that the President should have known his predecessor had exceeded his authority, and insinuated that duplicity and prevarication were chargeable against the administration. This act was generally considered highly indecorous, and excited the indignation of the people in all parts of the Union.

The American Envoy to Great Britain was continued, though not without some hesitation, and a disposition to recall him; the British Premier having often expressed his intention of appointing another minister to the United States, during the summer of 1810: but early in 1811, he was directed to leave the court of England, and return to America. He had, however, after the departure of the British Envoy, near the close of 1809, been instructed to continue or renew negotiations with the government of Great Britain, "relating to wrongs committed on the high seas, or other waters," and "for establishing the principles of navigation and commerce between the two nations." But his efforts, under these instructions, proved altogether unavailing.

The French and British decrees, so injurious to the commerce of the United States, and by the American government believed to be violations of the rights of neutral nations, being still in force, after repeated remonstrances against them, and various attempts to procure their repeal by negotiation, Congress passed a law, in March, 1809, interdicting all commercial intercourse between the United States and those countries. The act, however, was limited to the end of the next session of Congress; and the law, imposing an embargo, passed in December, 1807, it was also enacted, should be repealed at the same time.

Pursuing this policy, and in connection with the act of March, of 1809, the President was authorized, by another law of Congress, passed in May, 1810, "in case *either* Great Britain or France should, before the first of March following, revoke her edicts, or so modify them, that they would cease to violate the neutral commerce of the United States," to declare the fact by proclamation; and that, on the omission of the other nation to revoke, or so modify her edicts, the act interdicting commercial intercourse between the United States, and France and England, passed in February, 1809, should continue in force as to such nation." The act vesting such authority in the President, was soon after made known to the court of France; and the French minister for foreign affairs immediately addressed a note to the envoy of the United States, then in Paris, dated August, 1810; in which he stated, "that the Berlin and Milan decrees, issued by the Emperor," (which had justly given great offence to the American government and people,) "were revoked, and would cease to have effect after the first of November following."

But the contents of this note of the French minister were not sufficiently intelligible or satisfactory, to meet the

approbation of the people of the United States generally; and yet the administration gave a more favorable construction to the document; and in November, immediately after the note was received at Washington, the President issued a proclamation, declaring the restrictions imposed by the act of Congress of May, 1810, were removed or repealed with regard to France.

In his note, giving notice that the Berlin and Milan decrees were revoked, the French minister of foreign affairs was pleased to observe, "that his government had adopted this measure, because the Congress of the United States had *retraced* its steps, and had engaged to *oppose* the belligerent (England) which refused to acknowledge the rights of neutrals." The following language was somewhat equivocal, and served as an apology afterwards for the French government, in not fulfilling the promise, which it was understood to have given. "It being understood (or on condition) that the English shall revoke their orders in council, and renounce the new principles of blockade which they have wished to establish; or that the United States *shall cause their rights to be respected by the English.*"

Trusting to the sincerity of this declaration, and believing in the pacific spirit of the French government towards the United States, the President issued a proclamation the first of November, declaring that the French decrees were *in fact* revoked, and that the non-intercourse law would be revived and in force as to Great Britain, unless her orders in council should be revoked in three months from that date. The wisdom of this measure was questioned by the political opponents of the administration; because the decree, said to have been adopted, was not published *in extenso*, with its date, and was to have effect at a future day; and that on certain conditions, of which the American government could not guarantee the performance, without declaring war against England, if she did not also revoke the orders in council—which were as injurious to France as to the United States. Nor was there any engagement, at the time, on the part of the French government to provide indemnity for its extensive depredations on American commerce, committed under its several former edicts; notwithstanding the declaration of the President, that the restoration of property so seized, must follow the repeal. Subsequent events served to prove, that the Emperor of France did not intend to revoke his decrees, in fact, unless Great Britain should also withdraw her orders affecting neutral commerce, or the United States should declare war against that nation. In-

deed, after the first of November, American vessels and their cargoes were seized and held for sequestration, in order to ensure future measures by the government of the United States, agreeable to the policy and wishes of the Emperor. And several months later, March 1811, he declared, "that the decrees of Berlin and Milan were the *fundamental* laws of his empire." A new Envoy from France, who arrived about this time, gave official notice also to the federal administration, that no remuneration would be made for the property sequestered.

In the meantime, the President urged on the British government a revocation of the orders in council, against which, he and his predecessor had repeatedly remonstrated as injurious and unjust; and in this application, he assumed that the French edicts were repealed. And yet, on the arrival of the French Envoy, there was no official or direct notice made by him to the President, that the Berlin and Milan decrees were really revoked; and the Secretary of State, in an address, soon after published by him, expressed his full belief, that they were not withdrawn, and no assurance given when they would cease to operate. In March, 1811, however, in this state of uncertainty, as to the past acts or future policy of France, Congress declared its approbation of the measure of the President adopted by his proclamation, and passed a non-intercourse act against Great Britain.

The British ministry were not so credulous, and insisted, that the decrees of the Emperor were not actually repealed; and that the proclamation of the President and the subsequent law of Congress, interdicting all commercial intercourse with that nation, was partial and unjust. And thus the unfriendly feelings, which dictated complaints both from the government of the United States and England, against each other, were continued and increased. The British government was tenacious of the policy it had adopted, relating to neutrals; and pleaded, that its interests rendered it peculiarly necessary to be pursued at that time. There had then been no ambassador from England near the federal government, for some time. The American minister—Pinckney—retired from the British court, early in 1811; but an Envoy was soon after appointed to the United States, with instructions to renew the offer of reparation for the attack on the frigate Chesapeake; and to make other explanations, with a view to prevent the calamities of war, which was then apprehended would take place. Nothing very favorable resulted from this embassy; though the British minister remained at Washington till the declaration of war against

Great Britain by the American government. The terms of reparation for the affair of the Chesapeake, formerly tendered by the British Envoy in 1809, were, however, accepted in November, 1811; which were a disavowal of the attack by the British government; a restoration of the men taken from that vessel; and compensation to the families or relatives of those killed or wounded at the time of the attack.

Several important measures were adopted or proposed at the session of Congress, which began in December, 1810, and continued to the third of March, 1811; which serve to indicate the views and policy of the administration of that period. The act relating to commercial intercourse between the United States and Great Britain and France, which had been sometime in force, was modified in part, but in such manner as to afford no advantages to merchants; and rather to embarrass and injure the trade with England. For certain parts of the former act had been repealed, so as to induce mercantile enterprise to British ports; but now they were revived, and the goods imported from Great Britain made liable to seizure; and bonds were required of those who imported them, to await a legal decision.

Louisiana was made a separate and distinct State, with the privileges of other States in the Union; but great opposition was made to the measure, on the ground of unconstitutionality, as it was not a part of the original territory of the United States. It was included in the tract of country purchased of France in 1803. And it was contended, that, according to the true meaning and intent of the Constitution, new States were to be formed, only by a division of one of the original thirteen States; or within the territory ceded to the United States, by the treaty of peace with Great Britain in 1783. But a large majority of Congress was in favor of the admission of Louisiana as one of the United States.

During this session, the question was agitated in Congress, of the propriety and expediency of taking possession of West Florida, by an armed force; on the plea that it was included in the territory of Louisiana, which had been purchased of France. Without authority of Congress, the President had ordered troops to march from the territory of Mississippi into Florida, and to take possession of the country in the name of the United States. And this order of the Executive was given, on the supposition that Florida was part of the territory which had been purchased. The Spanish authorities refused to surrender it, when demanded



by the general of the United States army, which invaded it; and it was so doubtful, whether the claim to the territory asserted by the administration was just and valid, that Congress did not see fit to urge it at the point of the bayonet; and the troops were soon withdrawn by orders of the federal Executive.

The act of incorporation of the United States Bank, which was passed in 1791, was now about to expire; and a proposition was made to renew it. The importance of continuing the Bank, for the benefit of the public finances, and for individual enterprise, and for the monetary intercourse between distant parts of the Union, was strongly urged, but without success. There was a small majority in the national legislature, at that time, opposed to the institution. The Senate was equally divided on the question; seventeen members being in favor of a renewal of the charter, and seventeen against it; and the President of the Senate also gave his voice in opposition to it.

Further efforts were made by the American administration to conciliate the favor, or to prevent the hostile measures of the French Emperor. And another Envoy was deputed to the court of France, in 1811, with instructions and powers to form a treaty, particularly relating to the interests and pursuits of commerce. He was received with courtesy; and intimations were repeatedly given by members of the French cabinet, that it was desirous of settling a commercial convention. But the Emperor was deeply engaged in plans of extending his power through continental Europe; and a part of his system was to exclude British goods and manufacturers, to produce all possible injury to his formidable enemy; in accomplishing which, he believed, the commerce of the United States must be restricted, or be wholly under his control. The Envoy of the United States proposed, that as they had lost the trade to Great Britain, free intercourse should be had with the continent of Europe; but after a long time for considering the proposition, it was rejected as interfering too much with the plans and policy of the Emperor. And all this was borne by the American administration with patience, and almost without complaint.

There is but one consideration, which presents itself, consistently with patriotic and impartial views in the administration, from 1801 to 1812; and that is a belief in the two Presidents for that period, that the conduct of Great Britain was alike injurious and unjust; and that the designs of her statesmen were directly hostile to the prosperity of the United States. And that the Emperor of France, with

a few occasional and light trespasses on American commerce, and even these committed in defence of the great cause of human rights and civil liberty, should be considered the real friend of the United States; and his conduct therefore be endured as the wholesome discipline of a political friend. This supposition was advanced as an apology for the measures adopted by the government of the United States. But with this admission, the wisdom of the political course, pursued at that time, seems not to have been fully demonstrated by the events which followed. As was said, by a distinguished member of the Senate, from the State of Connecticut, "the path for the administration to pursue was as plain as a turnpike—the two belligerent nations should have been treated with strict impartiality—an embargo laid for a short and limited period; permission to merchants to arm their vessels; and such measures of defence, both on the land and on the ocean, as the state of the country afforded, and as would, in a great measure, prove efficient for the purposes of commercial protection; and the manifestation of a proper spirit to maintain the rights of the nation." The system of gunboats merely for the harbors and coasts of the United States, was declared by him, and in this opinion a great portion of the citizens in the Atlantic States agreed with him, to be but an apology for, if not designed to cast ridicule on, a proper naval force. And it was the belief of a large and respectable minority in the country, that greater efforts should have been made to defend and maintain the national rights on the ocean, instead of a voluntary abandonment, or suspension of them, on account of the ambitious projects or capricious despotism of any foreign power.

This protracted period of commercial interruptions and restrictions was attended, as might have been anticipated, by a great reduction in the trade and revenue of the United States. The exports were much reduced in 1808, 1809, and 1810; and the imports suffered corresponding depression; so that it became necessary to resort to loans, to meet the demands on the public treasury. A system had long been in operation, even from the third year of the federal government, and under the provident administration of the first President, to reduce the principal of the national debt: and a large sum was appropriated by law, to be annually applied to that object. In May, 1810, a law was passed, authorising a loan, equal to the amount of the public debt, which was reimbursable that year. And thus, though the annual reduction of the public debt took place, nominally, a large amount was actually borrowed, to maintain the credit of the United States.

The American minister long remained at the court of France; expostulating with its ministers, for unfriendly and injurious acts towards the United States; and importuning for justice, and for some proofs of really amicable intentions in favor of the American government. But no direct and satisfactory answer was given to these repeated applications of the American Envoy. After several months of delay on the subject, the Emperor was pleased to decree, "that so long as the British orders in council were unrepealed, and the principles of the treaty of Utrecht (1713) with respect to neutrals, were in operation, his edicts of Berlin and Milan must remain in force, as to those nations which should suffer their flag to be *denationalized*." This was at once decisive as to the policy and views of the Emperor, and as to the designed inoperativeness of the alleged repeal of those decrees, as stated and promised in August, 1810. And when the British government was urged a second time to withdraw their orders in council, on the plea by the American minister, that the French edicts were repealed, they declared, "that whenever those edicts were absolutely and unconditionally repealed by an *authentic* act of the French government, *publicly promulgated*, their orders would be revoked." In April, 1812, the British ministers issued a declaration, or state paper, in which they gave a concise statement of events which preceded their orders of council, and mentioned the terms for their revocation. In this official document it was again declared, "that, if at any time hereafter, the Berlin and Milan decrees, shall by an *authentic* act of the French government, publicly promulgated, be expressly and unconditionally repealed, then, and from thenceforth, the order in council of January, 1807, and of April, 1809, shall, without any further order be, and the same are wholly and absolutely revoked." Hence it appears, that the British government did not, in April, 1812, consider the French edicts repealed. Nor could there be any just complaint against England for requiring proof of the actual repeal of the French decrees; though there was good reason to object to her orders, so injurious to neutrals, and especially to the United States.

Afterwards, when in the month of May, 1812, the decree of the French government of April, preceding, was communicated to the British court by the American minister, the repeal of the Orders in Council followed, in June. But before the intelligence of this repeal reached the United States, war had been declared by Congress against Great Britain, and the door to reconciliation was unhappily closed.

For, probably, there would not have been a resort to war, had there been no deception and no prevarication in the case by the government of France; there being evidence abundantly sufficient to show, that the British government would have readily repealed its obnoxious orders of council on direct and full assurance that the decrees of the Emperor, dated at Berlin and Milan, were actually revoked.

The reasons publicly given for the declaration of war with England were, in substance, as follows:—The impressment of American seamen by the commanders of British ships of war; their doctrine and system of blockade; and the adoption and continuance of the orders in council of that government; which operated extensively to the interruption and injury of the American commerce. The two latter, it was said, were not to be tolerated by civilized communities, being founded not in right or justice, but in force; and that the former was utterly inconsistent with the honor and attributes of an independent nation. To which was added, a long and unsatisfied demand for remuneration on account of depredations, committed by the subjects of that government, on the lawful commerce of the United States.

War with England had evidently been contemplated by the American administration for some time previously to its formal declaration. No patriotic citizen of the United States justified the conduct of the British government, in all respects. Some of its orders and measures were injurious in their effects, and arbitrary and unjust in their character; but these did not render a war necessary. It was also apparent, when all the facts were known, that the cabinet gave a too high coloring to British acts of aggression; and endeavored to keep out of sight, or to cast a shade on the more arbitrary measures of the French government.

The people generally did not approve of the war, though they acquiesced in the measure when thus legally adopted. And some of the leading friends of the administration were known to be opposed to it. The measure was adopted in the House of Representatives by a small majority; but did not pass the Senate till fourteen days, after the question was first submitted to that body, though pressed by several members. At first it was evident that the majority was against war; and a proposition was made on which the Senate was equally divided, at the first vote, for granting reprisals against the commerce of Great Britain, by public or private ships of the United States; but after several

days of discipline and urging, a majority voted in favor of it. It was the opinion of a great portion of the United States, that injury had been received from both France and England; equally from the former as from the latter; but to make war on both would be unwise; and that it was not necessary, to the maintenance of the nation's rights to make war on either. The administration was in favor of a different course; and chose war with Great Britain rather than with France. A few months delay of this decision, so disastrous in its effects, might have prevented the sad alternative; for the British Orders in Council were repealed in June, soon after an *authentic* assurance was given that the French decrees had been revoked. It was afterwards made evident, also, that some of the French state papers, then recently received, were not laid before Congress, when the measure of war was under discussion; and these so exceptionable and insolent, that, had they been communicated at the time, the majority of the national legislature would not have consented to the declaration of hostilities against England.

The declaration of war was preceded by an Act of Congress, of the fourth of April, imposing an embargo for ninety days; which, with other Acts passed by the federal government, at the time, indicated its ultimate object, though the opinion was still expressed by many of the citizens, that such an extreme measure would not be adopted. For, in addition to the fact, that the nation was not prepared to engage in and prosecute a war with efficiency against so formidable a naval power as England, the necessity of such a measure did not appear, from considerations either of national rights or interests. Neither the liberty nor the territory of the United States was directly attacked; and the injuries received were rather incidental than designed to operate unfavorably on the commerce of the United States. Nor was it perceived, that a war, if prosecuted with ability and energy, would procure the recognition of principles and claims advanced by the American government, in the declaration of hostilities. Events soon proved the correctness of these opinions, expressed at the commencement of the war, as well as before a formal declaration was made. For peace was earnestly sought and made by the American administration, within three years after it was declared, without obtaining the admission of Great Britain, of the doctrines first asserted and insisted on, as indispensable to a future amicable treaty or compromise.

There was also something surprising and unaccountable in the declaration of war, by the American government, at the time it was made; as no very adequate means had been prepared for such a crisis. The people were thus left, to indulge in suspicions and apprehensions, that causes unrevealed and unknown to the nation, had an influence in producing this unexpected result. The only explanation to be given, and the conjecture best supported by circumstances, then recently developed, was that a desire to preserve the friendship of the French government had an undue influence in the alternative chosen by the political party then in power. That the declaration of war was hasty and improvident, was generally acknowledged afterwards; and the effect was a more full and prevalent opinion against the policy of war; and a resolution, in the reflecting part of the people, to give greater influence to the benevolent and pacific principles of Christianity.

It was not probably the design or purpose of the administration to oblige the British government, by the declaration of war, or by any naval force it could employ, to yield the points so long in dispute between the two nations. The American navy was comparatively small; and the policy for ten years, had been to diminish, rather than to increase it. No large ships of war had been built, during that period, although efforts had been made by the minority for that purpose. A number of gunboats had indeed been prepared, but they were designed merely for the defence of the bays and harbors of the country. Nor had such provision been made for the augmentation of the regular troops in the service of the United States, as the crisis, brought on by the administration itself, required, though some increase was ordered; and resort was therefore early had to the aid of the militia for defence and safety. In April, 1812, one hundred thousand were ordered to be detached and equipped, in all the States of the Union, to be apportioned according to the population of each State. The detachment was made in several States; but it was in the expectation that they would be employed only in case of invasion, or imminent danger of invasion, and for defence in times of great exigency, when the regular troops could not protect the places invaded. But it soon became manifest, that the militia were to be chiefly depended on, and must, therefore, be employed in a similar manner with regular troops; and even be called forth to assist in invading and conquering the neighboring territory of Great Britain. Large bodies of troops, and of the militia, were ordered to the northwest-

ern borders of the United States, where no other object could possibly be in view, than to take possession of and subdue a portion of the territory, by military force. For no invasion of the United States was then threatened by the Canadian provinces; and a proclamation was issued by one of the American generals on that border, evidently intended to induce the people of Canada to submit to, and become connected with, the American federal government.

That more adequate and efficient measures for the defence of the country were not provided, before war was declared, is proof that no invasion was then expected or feared. Great Britain had made no preparation for such an enterprise, nor threatened it; but, on the other hand, seemed desirous of maintaining amicable relations with the United States; though unwilling to yield to the demands repeatedly made, for a relinquishment of the doctrine of blockade, of impressment of seamen who were natural subjects of England, or of interdicting to neutrals the trade with her enemy in war, not permitted in a time of peace. On these points, the British government was tenacious and determined; and was ready to encounter the hostile movements of the United States, in addition to the attacks of European powers, rather than agree to the demands made of them; leading, as they believed, to their own subjugation and ruin.

The neglect of previous and seasonable preparation for war, was the occasion of extravagant expenditures afterwards\* to place the nation in a sufficiently formidable attitude, either for defence, if invaded, or for an attack on the British provinces, as was early projected. Men and provisions were wanted for the extreme western military post at Detroit, in the vicinity of Upper Canada; there not being an adequate force even for defence, much less for invading that territory, which was ordered. The regular army filled up but slowly, compared to the instant exigency and call; but few volunteer companies were raised; and though the militia were detached in several of the States, there was a reluctance generally in calling them into the field, until invasion should take place, or immediately threaten.

A disposition, on the part of the British government to remain in friendship with the United States, was manifested about the time the American Congress declared war

\* A law was passed in June, twelve days after the declaration of war, authorizing the issue of treasury notes, to the amount of five millions of dollars; and at the following session of Congress, it was found necessary to issue ten millions more.

against that nation, by repealing the orders in council, so injurious to neutral commerce, and the revocation of which had been often demanded by the federal executive. On satisfactory evidence, that the French edicts of a similar character were actually revoked, the British administration caused its orders to be withdrawn, June 22d; and the intelligence of this repeal reached Washington the last of July. An armistice was also proposed by the British, but it was not accepted. For although it is very probable war would not have been declared by Congress, had the British Orders in Council been withdrawn, and the fact known in the United States before a formal declaration was made; these orders were not the only or chief reason given for resorting to that alternative. The principal cause of the war was stated to be the impressment of seamen, by the British commanders, from the vessels of the United States; and as there was no engagement made by the British ministry on the subject, the armistice was not accepted, nor did the American government cease hostilities which had already commenced; and it was again explicitly announced, that until an adjustment was made on the subject of impressments, essentially agreeable to the views of the federal administration, the war would be prosecuted.

A very interesting question arose at this period, involving a great Constitutional principle, as to the extent of the power of the federal executive over the militia; whether they were under his uncontrolled and merely discretionary direction; or whether the authority of the general government to employ and command them was limited, and only to be exercised in certain specified exigences. The language of the Constitution, on this subject, is as follows: "Congress shall have power to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and *repel invasions*." And when the President directed the general officers of the United States army, to call on the governors of the respective States for the militia, to be put under the command of those officers, in any case they might require, some of the governors declined so to call them forth and place them under command of an officer of the regular army; but, at the same time declaring, that when there should be an actual invasion, or immediate danger of invasion, the militia would be ordered out to repel it, and to defend the coast invaded; and be placed under the command of an officer in the service of the general government.

The principal reasons given for declining to call out the



militia and place them under the command of officers of the regular national army, were, that it was inconsistent with the rights of the militia, as citizens, to dispose of them in this manner, and was converting them into a body of standing troops against their will; and that the Constitution evidently required their being called into public military service by authority of the federal government to *repel invasion*, unexpectedly arising, and no regular troops prepared for the defence of the country: the power over the militia, the citizen soldiers of a State, being vested entirely in the governor thereof; except in the emergencies particularly stated in the Constitution. The argument of the federal administration, on the other hand, for claiming authority to call out the militia, as was done, at an early period, was, at least, plausible; and some believed, sufficiently valid, to justify the call, and to charge the governors of the States who refused to order out the militia, with a gross and dangerous neglect of public duty.

It was observed, that, as war had been declared, the whole country was exposed to attacks from Great Britain; and that, both for defensive and offensive measures, the whole force of the United States should be subject to the control and direction of the federal executive, in such time and manner as he might judge necessary or proper.

This is a most important subject; and, as in 1812, there is still a difference of opinion, respecting the authority of the federal government over the militia. The doctrine asserted at that period, by the friends of the administration, goes to destroy all State authority over the militia in time of war; and to justify the employment of them by the general government, in the same manner with regular troops; and thus power would be allowed an ambitious President to destroy the liberties of the people. And the extreme of the opposite construction, which would leave it to the governor of each State when, and where, to order out the militia, might often produce disastrous results.

The opinion expressed by the men then in power in the federal government, was quite different from that which they had advocated a few years before, when they were in the minority. They had insisted on a rigid construction of the Constitution, and opposed all exercise of power in Congress and in the President, not plainly authorized by that instrument; and contended strenuously for the right of authority in the State governments to act in all cases, not expressly granted to the general government. And the former administration and its friends had been charged

with a design to exceed the powers given by the Constitution, in its strong measures; and as aiming unduly to restrict and lessen the authority of a State. By claiming a right to command and control the militia, without the approbation or consent of the State authority, as was done in 1812, the opposite doctrine was assumed to be correct; and the practical result would be a concentration of the whole power and force of all the States in the hands of the President and his agents, despite the dissent and remonstrance of the State authorities. The Constitution did not give an unqualified or unlimited authority over the militia to the federal government, but confined it to particular exigences; and unless such occasions presented, the federal executive possessed no just authority to command or employ them. If the President, and his subordinate officers, had a constitutional right to call out and employ the militia, as asserted, they might require their services, and keep them under control, when and as long as they might order, under the pretence, that an invasion might take place at some future day, even in six or twelve months; and that it was necessary to be seasonably prepared to act for the defence of the country. The doctrine was so evidently liable to abuses and an arbitrary exercise of power, as well as incompatible with the constitutional rights of the militia, that many political friends of the administration repudiated it by open and explicit declarations.

In several States, where the militia were not called into the field, when war was first declared, and their services first required, the legislatures afterwards authorized the Governors to order them out, in the event of invasion, or of imminent danger thereof: and the militia were actually and readily employed, at subsequent periods of the war, when the territory of the United States was invaded, or the appearance of the enemy on the coasts, or near the borders, indicated an intended attack.\*

When it was known, that the British orders in council, so justly complained of, and which furnished one of the

\* On application of the people near the northeast bounds of Maine, then part of Massachusetts, the Governor ordered several companies of militia to march to that frontier for defence. They apprehended an attack from the British in New Brunswick; and satisfied the Governor they had sufficient reason to fear invasion at that time. He promptly ordered a military force for their protection, though he had declined to call out the militia of the State, when the war was first declared. He gave the federal executive notice of this measure, and declared his readiness to place the men under command of an officer of the United States for the purposes of defence.

principal reasons for the declaration of war against that nation, were withdrawn, and cessation of hostilities or an armistice proposed, the people of the United States became more dissatisfied, and generally expressed a strong desire for renewed negotiations and for peace. The views and sentiments of a great portion, if not of the majority of the citizens, were probably justly expressed in the resolutions, referring to the war and the causes or pretences for it, adopted by a very large meeting in the city of New York, on the 19th of August, 1812; and given in the note below.\*

\* "Resolved, that the legitimate objects of government is the public good, to promote which its powers ought to be exercised: That a free people have a right to form an opinion of the conduct of those entrusted with authority, and to express that opinion: That our national government is an association of the States, for their joint and several advantage: That exercising the powers of that association, to the great and manifest injury of its members, is a breach of trust: That to adopt rules of proceeding, by which the people are deprived of the power of expressing their sentiments through their representatives, is a violation of the first principles of representative government: That the prosperity of the State is principally derived from agriculture and commerce: That the interests of these two great sources of national wealth and power are inseparable; wherefore, the war, lately declared, being destructive to the one, cannot but impair the other: That war, one of the greatest calamities which afflict mankind, is, when waged without just cause, an insult to the divine Majesty: That, if undertaken, however just the cause, without probability of success, is an act of extreme imprudence: That where the injury which must result is great and manifest, while the object to be secured is of trivial comparative importance, the interest of a nation ought not to be hazarded; still less for the gratification of personal partialities or resentments: That the war, lately declared by a slender majority of Congress, is unwise: That the circumstances, under which it was declared, were unfavorable: That the consequences, to which it leads, are alarming: That it is unwise, because if unsuccessful, the objects for which it is waged, whatever they may be, will probably be abandoned: [They were abandoned or waived:] That the more important those objects are, the more unwise must be a war which rashly puts them to the hazard: That if it be intended to establish national rights, it ought to have been considered, that those rights, though violated, could not, while claimed, be considered as abandoned; whereas, if at the end of an unsuccessful war, the nation should relinquish them for the sake of peace, they will be annihilated; or, at least, will depend on the issue of another bloody contest: That it would have been difficult to select a moment more unfavorable for a measure so portentous; the United States unprepared, the treasury empty, articles of primary importance omitted to be procured in season, and not now to be purchased, much of the funds of our mercantile citizens in the hands of those now by Congress made our enemies, property to a large amount afloat on every sea, the revenue impaired by imprudent commercial restrictions, and now by the war destroyed; the nation against whom the war is declared, completely armed and possessed of ample means to protect herself and to annoy us, her fleet mistress of the ocean, and in a capacity to lay waste many of our maritime cities and towns: That a comparison of the condition, in which the two nations stood at the time of that declaration, and in which they now stand, is alone sufficient to show that in making it, our rulers were not possessed of, or did not exercise, a sound political discretion: That a defensive war is to be

It was the largest assembly of respectable citizens ever witnessed in that place; and was attended by the most distinguished and experienced patriots of that city and vicinity; among whom were John Jay, who had been a member of the first continental Congress, in September, 1774, chief justice of the Supreme Court of the United States, secretary of foreign affairs in the time of the old Congress, Governor of the State of New York, and envoy extraordinary to the court of England, in 1794, appointed by Washington; Rufus King, who was an early member of the old Congress, a delegate in the Convention for forming the federal Constitution, a Senator in Congress afterwards for several years, and then minister to Great Britain; Gouverneur Morris, also one of the delegates in the Convention which formed the federal Constitution, an envoy to the court of France, and late a Senator in Congress; Egbert Benson, Judge of the District court of the United States, and many years before, a member of Congress; Matthew Clarkson and Richard Varick, distinguished patriots of the Revolution, and eminent for their public services and moral worth. The resolutions were prepared by these individuals.

sustained by every effort and under the pressure of every calamity, but previous to the commencement of offensive war, *common sense* would have dictated to men of an ordinary capacity, to restore the revenue, to replenish the treasury, permit our citizens to bring home the wealth which in the course of a lucrative commerce they have scattered abroad; fill the military arsenals and magazines; and above all, build and equip a respectable navy: That a calm review of the conduct which has been pursued, and which is so utterly irreconcilable to the maxims of common prudence, so little commended by any facts which have been exhibited to public view, and so fatal to the dearest interests of this country, leaves no room to doubt of the alarming consequences to which it leads: That we are irresistibly drawn to the conclusion, that the American people will, under the name and form of an alliance, be submitted to the will and power of the French Emperor: That in this view of the subject, the question of peace or war, involves all that is dear and 'valuable to men on this side the grave.' We are, therefore, under the dire necessity of declaring, *that we have no confidence in the men who have brought us to this perilous condition.* We do not, because we cannot, examine the causes of that *management*, the mischievous effects of which we so deeply feel and so seriously apprehend; but called upon by an *imperious sense of duty*, we declare our sentiments, and we entreat our fellow citizens to declare theirs. We implore them to lay aside party distinctions, to banish party feelings, and to unite. In union is force, in force safety. If it shall appear that the majority is in favor of war, be it so; we must submit. If, as we fully believe, a great majority is desirous of peace, let the fact be known: and to this end we propose, that representatives be chosen in the several counties of this State, discreet men and friends of peace, to correspond or confer with each other, and co-operate with the friends of peace in other States, in devising and pursuing such *constitutional measures* as may secure our liberties and independence, and preserve our Union, which are endangered by the present war."

This was a period of great anxiety and of uncommon excitement. There was not only an apprehension of extensive calamity, the natural consequence of war, an accumulation of the public debt, loss of property, detriment to commerce, and sacrifice of human life; but a fear of undue military authority, of the exercise of arbitrary power, under the plea of necessity, of a resort to unjust and oppressive acts to oblige the people to support the war; and most of all, a close connection, or alliance, with the French government, then a most alarming and despotic power, though professing to be friendly to republican States; the nation being then entirely subject to the will of one man, whose ambition was unbounded, and whose want of moral principle was such, as that no reliance could be placed on his promises or his justice. It was believed to be the natural consequence of a war with England, especially as it was waged, with the approbation, if not by the dictation, of the Emperor, and was likely to operate in furtherance of his views of universal empire.

The spirit and language of the warm friends of the administration, soon after war was declared, served also to alarm the fears of the people, and to induce the more intelligent to ponder on the policy and movements of the administration. It was openly declared, by the advocates for war, "that there could no longer be endured, any expressions of disapprobation of the measures of Congress or of the federal executive—that the time for discussion was past, and all must now unite in support of the war, in person, or by contributions." In some instances, direct threats were uttered towards such as spoke against the policy of war measures; and acts of violence were committed, by mobs, on peaceable citizens, for daring to speak or write against the war. The streets of *Baltimore* were moistened with the blood of some of her most worthy and patriotic citizens, who exercised the rights of freemen, by discussing the measures of the administration. In other places, individuals were threatened with violence, unless they would contribute to funds for carrying on the war, by making loans to the government, which had incurred great expenses without any means to meet them.

The general character of the individual, then President of the United States, was such as would have led to the opinion, that he would not hastily give his consent to war. He had none of the peculiar attributes of a military hero, and had never been a soldier. He was esteemed as a philosopher, or a statesman in a republic, when war is not to

be supposed to occur, unless in extreme cases for defence. And many anxiously interrogated, whether there was not some strange infatuation prevailing in the federal councils; or whether the measure of an offensive war could be accounted for on the supposition of unreasonable prejudices and antipathies towards Great Britain, and of equally unreasonable partialities for France. For sometime, it appeared, that the reign of terror had commenced; and that similar scenes of violence were to be witnessed, as had been in revolutionary France; but there was too much intelligence and love of order, and too great a love of rational liberty, indeed, to allow such a state of things long to exist in the United States; and the tone and conduct of the inconsiderate friends of the administration soon became more prudent and proper. The war had its course, under the direction of the federal government, to which it exclusively belonged to continue it, or to make peace. Many assisted no farther than the laws required, and continued to express a desire that it might soon be brought to an end. The number, who were dissatisfied with the war, and who wished for its termination, constantly increased; and this was, probably, one consideration with the federal administration for giving instructions, in 1814, to its ministers then in Europe, to enter into fresh negotiations for peace.

The first military effort after the war began, was attended with defeat and disgrace. A large force was then at Detroit, and were soon ordered to invade the neighboring British province of Upper Canada, but they were not sufficiently provided with munitions of war to authorize such an expedition. It was, indeed, supposed that most of the Canadians would submit without resistance, but this proved to be a great mistake. The American troops, under General Hull, passed over the lake, and effected a landing on the Canada side, without opposition. They, however, did not meet with friends to welcome or assist them, as they had hoped; and some regular British troops in that province, whose commander had early intelligence of the war, were promptly marched to defend that part of the country where the Americans had proceeded. The cannon of the latter was found to be in almost a useless state, and General Hull returned to Detroit without capturing any important post, or acquiring any military honors. The British general in that quarter, who appears to have been a character of decision and energy, soon made an attack on Detroit, and the American commander surrendered to him that important post. He was highly censured by the ad-

ministration and its friends, and afterwards arrested and tried, on a charge of cowardice and treason. Others, without justifying his conduct on that occasion, believed there was some apology for him, in the inefficient preparation which had been made, to enable him to defend his position.

Another invasion of Canada was made in October, by the United States troops, a great portion of which were the militia of New York. They were under the immediate command of Major General Stephen Van Rensselaer, of that State, and numbered over two thousand. He crossed the river opposite to Queenstown, on the Canada side, and immediately attacked and took possession of the town, but not without a vigorous resistance, and many of his troops killed and wounded. A large regular British force, which was in the vicinity, promptly marched to Queenstown, and a severe battle ensued. The United States troops at Queenstown were not supported by those on the eastern side of the river, as was expected, and although General Rensselaer passed over and urged their crossing the river. These were mostly militia, and they refused to proceed to Queenstown, as directed. The British were more numerous than those from the United States, who had crossed the river; and, under the command of brave and skilful officers, they overpowered the latter. A great slaughter was made of the United States' troops, and many officers were killed or wounded, and about four hundred taken prisoners.

A third invasion of Canada was projected soon after this defeat, but was not carried into execution, except that a small detachment passed over to the Canada side, and, attacking a fort near the river, returned in a few hours. The preparations deemed necessary for the invasion occupied much time, and it became too late in the season to commence offensive operations with any hope of success. It was believed necessary to make the invasion, if at all, with six thousand men; and though the troops then in service in that quarter amounted to eight thousand or more, many were debilitated by sickness. And probably the reverses which had already occurred, induced the commanding officer to refrain from another attack, without a more powerful army. Proclamations were issued, however, of a boasting and threatening character, not much to the credit of the writers, either on the score of wisdom or bravery. But it ought to be recollected, that it was not supposed by the administration, that any very great opposition would be made by the Canadians, and that the United States'

army was not sufficiently provided to ensure success in the invasion of that country. In truth, the army, and its officers, were more formidable in this paper warfare, than in efficient action. The troops were ordered into winter quarters in different places; and thus, the land campaign of 1812 was brought to a close, without giving much annoyance to the British, or procuring much glory to those who planned or engaged in it. A belief had been entertained by the friends of the administration, that Canada would readily submit to the United States, and that a small military force would soon subdue the British provinces. How this enterprise, even if successful, was to establish the maritime rights of the United States, did not fully appear: and it became evident, that the people generally did not justify the invasion of the enemy's territory, when they had been often assured that the war was entirely in defence of individual or national rights.

The naval arm of the United States proved more efficient and more useful. Compared to that of Great Britain, indeed, the American navy was quite insignificant, and altogether inadequate to contend with the naval power of that nation. Yet it was repeatedly successful in contests with single British ships of war of equal and even of larger size. The American naval commanders exhibited equal enterprise and courage; and had the navy been cherished and augmented for the previous ten years, as many judicious statesmen proposed, it would have been far more efficient than it was. By the provident enterprise, and the prompt action of the few public armed vessels then in service, much property was saved to the United States, and the British were led to acknowledge the great skill and bravery of Americans on the ocean, where that nation had long borne undisputed sway.

The administration now became convinced of the vast importance of a navy; and, from this period, was in favor of its increase. At the session of Congress in March, 1812, and a short time before the declaration of war against Great Britain, it was ordered that the few frigates then belonging to the United States, should be repaired; and three others, then on the stocks, should be completed. Three hundred thousand dollars were voted for these purposes. But, in December following—after several successful naval enterprises, which not only displayed the bravery of the officers and seamen, but rendered essential service to the nation—further and more liberal appropriations were made for the augmentation of the navy. Two millions and a half dollars were devoted to this object, and the President



was authorized to build four ships of the line, of seventy-four guns each; six large frigates, of forty-four guns; and six sloops of war, of twenty guns. He had power given him also to purchase or procure other sloops of war, and smaller vessels, for the public service; and the further sum of two hundred thousand dollars was appropriated for that purpose. Though the war was opposed by a large portion of the people at first, and as the repeal of the British orders in council, soon after followed, and the disasters and defeats suffered by the army on the northwest borders, yet the additional expenses incurred for increasing the navy, were almost universally approved. The measure indicated a disposition to defend the maritime rights of the nation, which the policy for some years previously pursued, seemed to sacrifice or abandon. It had been often said, by a portion of the people, that, unless it was in the policy of the administration from 1806 to 1812, to retire from the ocean, and to relinquish all commercial pursuits, it would be essential to prepare a respectable naval force. The people in the Atlantic States were decided and earnest in favor of a navy; and the neglect of the federal government, during the period just mentioned, to increase, or to keep it in its former state even, served to destroy all confidence in the wisdom of the dominant party. The regard manifested by the administration for giving strength to the navy, at this time, therefore, gave much satisfaction to the people, and saved the federal rulers from a total loss of confidence in the majority. Their conduct in this respect, did not indeed, make many converts to the war policy, but a hope was thereby raised, that the commercial and maritime rights of the nation were not disregarded nor undervalued.

The Congress met on the first Monday of November, 1812, as had been provided by a law passed in July previous, when the former session was closed. The message of the President to the federal legislature, in compliance with a provision in the Constitution, "that he should give Congress information, from time to time, of the state of the Union, and recommend to their consideration such measures as he might judge necessary and expedient," will best disclose the opinions and views of the administration at this very critical period, and describe the condition of the United States, as to public and national affairs.

The message states, "that, as a measure of precaution and forecaste, a large force was placed at Detroit, before the declaration of war, with a view to its security; and, in the event of war, to such operations in Upper Canada, as would

prevent the influence of the British [officers or agents] over the savages, obtain command of the lake, on which Upper Canada borders, and maintain co-operating relations with such forces as might be employed against other parts" [of the British Provinces.] The unfortunate result of General Hull's invasion of Upper Canada, and the fall of Detroit are then noticed. Complaint is then made of the employment of the savage tribes, by the British general, in attacks on the troops and inhabitants of the United States.

The protection of the northwestern frontiers, it is added, had been given to General Harrison, "who had the entire confidence of his fellow-soldiers and fellow-citizens, in that part of the country." The message refers to the attack made on Queenstown under General Van Rensselaer, in October; and it is said, "that the attack was conducted with distinguished gallantry." The President says, the object had been "to gain command of the lakes; and that a naval force would be provided there superior to that of the British." The refusal of the Governors of Massachusetts and Connecticut to call out the militia and place them under the command of an officer of the regular army, was thus noticed in the message; "if the authority [of the federal government] to call the militia into service and command for the public defence, can be thus frustrated, in a state of war, and of *course*, under apprehensions of invasion preceding war, we are not one nation for the purpose most of all requiring it; and the public safety may have no other resource than in those large and permanent military establishments, which are forbidden by the principles of our free government, and against the necessity of which the militia were intended to be a constitutional bulwark."

"On the coasts and on the ocean, the war has been as successful, as circumstances connected with its early stages could promise. Our public ships and private cruisers, by their activity, and where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. Our trade, with some exceptions, has safely reached our ports, having been much favored and protected by our public armed vessels.

"Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British government the terms on which its progress might be arrested, without waiting the delays of a formal and final pacification; and the Envoy at Lon-

don was authorized to agree to an Armistice founded upon them. These terms required, that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules: that there should be an immediate discharge of American seamen from British ships, and a stop put to impressments from American ships in future; with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated; and that the Armistice should be improved into a definitive and comprehensive adjustment of depending controversies.

"Although a repeal of the orders in council, susceptible of explanation meeting the views of this government, had taken place before this pacific advance was communicated to that of Great Britain, the proposition was declined, from an avowed repugnance to suspend the practice of impressments during the Armistice; and without any intimation that the arrangement proposed respecting seamen would be accepted. Whether the subsequent communications from this government, affording an occasion for reconsidering the subject, on the part of Great Britain, will be viewed in a more favorable light, remains to be known. It would be unwise to relax our measures, on a presumption of such a result.

"Our affairs with France retain the posture which they held at my last communications to Congress. Notwithstanding the authorized expectation of an early and favorable issue to the discussions on foot, these have been procrastinated to the latest dates. The only occurrence meriting attention is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decree. This proceeding, although made the ground of the repeal of the British orders, is rendered, by the time and manner of it, liable to many objections.

"With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will still be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. A revision of the *militia laws*, for the purpose of rendering them more systematic, and better adapting them to the emergences of the war, is at this time particularly desirable."\*

\* It is stated in the message, that the receipts into the treasury, for the year ending in September, were sixteen and a half millions of dollars—that three millions of the principal of the public debt had been paid; but six millions had been received on *loans*; and that eleven millions had been actually received on loans, at different times.

This statement of national affairs was as favorable to the conduct of the administration as could possibly be made; and made, it should be recollected, by one interested to render it as plausible and justifiable as might be, of the measures and policy adopted. It appears to have been an early plan of the executive to send troops into Canada, and to take possession of that territory. Reliance was also evidently placed, on the assistance of the militia, not merely for defence in case of invasion of the United States when the British became an enemy, by the declaration of war; but for increasing the force ordered to enter the British territory for conquest; and for regular service in the war, in such manner and to such extent as the federal executive might think proper; instead of calling on them, as the Constitution had provided, to defend the country against invasion.

By the correspondence between Admiral Warren, then Commander-in-Chief of all the British forces on and near the American continent, and the Secretary of State of the United States, which the President communicated to Congress, at this time; as well as by a proposition made by the British Commander-in-Chief in Canada; it was officially notified to the American administration, that the orders in council were repealed on the twenty-third of June; it was also proposed to suspend hostilities between the two nations; and to enter anew on negotiations relating to the laws of Congress interdicting the commerce and ships of war of Great Britain from the harbors and waters of the United States; and to the permanent revocation of the British orders in council.

But this proposition was not favorably received by the American administration; and in reply to it, the Secretary of State was directed by the President to declare, "that a suspension of the claim, or forbearance to press or act upon it, during the cessation of hostilities, was indispensable to such cessation; for experience had fully evinced that no peace could be durable unless this object were provided for." But the instructions to the British Admiral, authorizing him to propose a cessation of hostilities, and to enter on further negotiations for the speedy restoration of peace, did not authorize him to adjust or discuss the subject of impressments.

The Secretary added, "without further discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British government is to take from the *merchant* vessels of other countries all British subjects. In this practice, the

commanders of British ships of war take from vessels of the United States American citizens. If the United States prohibit the employment of British subjects in their service, and enforce the prohibition, by suitable regulations and penalties, the motive for the practice is taken away. It is in this mode, that the President is willing to accommodate this important controversy with the British government; and it cannot be conceived on what ground the arrangement can be refused.

"A suspension of the practice of impressment, pending the armistice, seems to be a necessary consequence. It cannot be presumed, while the parties are engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party; or that Great Britain would be unwilling to restrain her cruisers from a practice, which would have the strongest tendency to defeat the negotiation. It is presumable, that both parties would enter into a negotiation with a sincere desire to give it effect. For this purpose it is necessary that a clear and distinct understanding be first obtained between them, of the accommodation which each is prepared to make. If the British government is willing to suspend the practice of impressment from American vessels, on consideration that the United States will exclude British seamen from their service, the regulations by which this compromise should be carried into effect, would be solely the object of negotiation. The armistice would be of short duration. If the parties agreed, peace would be the result. If the negotiation failed, each would be restored to its former state and to all its pretensions, by recurring to war."

The conduct of the administration, in reference to the proposal of the British government, for a cessation of hostilities, and an adjustment of the long-existing disputes between the two nations, was a subject of much discussion through the United States. By a moiety, if not the majority of the citizens, the course pursued by the federal executive was justified and approved; the rights of the nation, and of the seamen particularly, requiring the rejection of the overtures made by the British, and a vigorous prosecution of the war; while a large portion, perhaps one half of the people, as some writers asserted, being either opposed to the war at first, or at the unsuccessful enterprises of the army, and believing that the offers of the British government were consistent both with the welfare and honor of

the nation, condemned the policy of the administration in strong terms; and fully expressed their apprehensions, that the war must continue many years, if peace could only be restored on the conditions urged by the federal rulers; and that the consequence would be a close alliance with France, then governed by a military despot. It was believed the British ministry would never surrender the claim to search and take their own seamen from neutral merchant vessels—the right to take them by force from public armed ships was given up—and that it was improper to require it: and to continue the war, therefore, while this was the only or chief difficulty in the way of negotiation and peace, was alike inexpedient and unjust. The war, however, was still prosecuted; and more efficient measures were adopted by Congress to render it successful.

The people were led to believe, by a partial statement of facts, and by addresses to their prejudices, that Great Britain was aiming to subdue the United States, and to bring them back to their former allegiance to the British king; and many were *directly interested* in the continuance of war, as it gave them office and employment. A small majority in Congress, also approved of the opinions and views of the President, as given in his message; and expressed their approbation of his rejection of the proposed cessation of hostilities by the British, on the terms offered; insisting “that the impressment of seamen being the *principal* cause of war, it must be prosecuted till that cause was removed.” On some other important subjects, connected with the policy of the war, the majority of the federal legislature could not be persuaded to support the measures proposed by the warm friends of the administration. A law for the relief of merchants who had imported British goods after the 23d of June, and before the 15th of September, was passed, though opposed by most of the members who approved of the war. And the bill for increasing the naval establishment was also opposed by many friends of the administration; but finally received the sanction of the majority of Congress.

## CHAPTER IX.

**Prosecution of the War. Terms Offered for Cessation of Hostilities by Great Britain Rejected. British Orders in Council Repealed. Charges of French Influence. Disasters of the United States' Troops on the Borders of Canada. Inadequate Means of War. Further Call for Militia. Dispute on the Power of Congress over the Militia. Naval Victories. Success on Lake Erie. And of General Harrison, at Fort Meigs, and Malden, &c. Invasion of Canada Unsuccessful. War Unpopular. New Terms of Peace proposed. Peace Made, without Obtaining any of the Objects for which War was Declared.**

MR. MADISON, of Virginia, was again elected President of the United States, for the term of four years, from the fourth of March, 1813. De Witt Clinton, of New York, was the other candidate for that high and responsible office. He was supported by those who considered the war unnecessary, and who were desirous of restoring peace between the United States and Great Britain. Mr. Madison received 107 votes, and Mr. Clinton 89. Elbridge Gerry, of Massachusetts, who had been governor of the State, for 1810 and 1811, was chosen Vice President. Some changes were made in the Cabinet, at this time; General Armstrong, of New York, was appointed Secretary of War, in the place of William Eustis, who resigned; and William Jones of Pennsylvania was placed at the head of the Navy department.

In the month of January, 1813, another disaster fell on a part of the northwestern army, near lake Erie, at the river Raisin. A detachment of the Americans had been sent under Colonel Lewis, to take possession of that site, as important for the occupation of the United States' troops. After a short engagement, the place was taken by the men under Colonel Lewis. This, however, was not an affair of much moment, for only a few of the enemy were then stationed there. Without orders from Major General Harrison, the Commander-in-Chief in that part of the country, Brigadier General Winchester proceeded to support Colonel Lewis, with two hundred and fifty more men; fearing he would be attacked and overpowered by the British and Indians, then in large numbers in that vicinity. After he reached the place he neglected to take such measures of precaution to prevent an attack by surprise, as prudence seemed to dictate; and in quite an unprepared state he was assailed by the British and Indians, amounting to eighteen hundred; and

a great slaughter ensued. The attack was very sudden, and wholly unexpected, so that great confusion and delay occurred in forming the troops under the United States officers; and they were soon overpowered by a superior force. Nearly four hundred men were slain or mortally wounded, and between seven and eight hundred taken by the enemy.

An act was passed at this session, in January, 1813, for an augmentation of the regular army of the United States. It was then estimated at 35,000. Congress now provided for an increase of 20,000 troops; and the appointment of six additional Major Generals. The President was also authorized to accept of any volunteer corps which might be raised, with a view to the defence of places invaded, near which they resided. This was not materially different from relying on the militia for protection, in case of invasion. In various seaport towns, parties of the citizens formed, and acted as guards on the coasts. In Massachusetts, and in some other States, these volunteer companies, or parties, were furnished with arms and other munitions of war by the State executive, whenever there was application for them, and there was reason to suppose an attack, or landing, by the British might be made.

The public expenses were necessarily much increased by the means adopted for prosecuting the war; and the national finances were in a state of great embarrassment, at this period. When the committee of "Ways and Means," called on the Secretary of the Treasury, January, 1813, for his opinion of the probable amount, to be provided by Congress for the year following, he stated in reply, "That at *least* sixteen millions by way of loans would be necessary, to be added to twelve millions, the estimated amount of revenue for the year." Such estimates are always uncertain; and often overrated. And the Secretary of the Treasury observed, "That it would be necessary to repeal or modify the non-importation laws, to realize the amount calculated to arise from imposts." He also proposed a great increase of duty on foreign tonnage, and the suspension of allowances to importers, under the name of drawbacks. And he gave it as his opinion, that, unless the war should be brought to a close within the year, it would be requisite to provide for farther loans for the year 1814, and to have recourse to internal and direct taxes. By the most able financiers in the United States, it was asserted, that the duties on imports would not much exceed five millions; and that the expenses would be nearly double to the estimates of the Secretary. For in the latter part of 1812, and



beginning of 1813, demands on the public treasury were far greater than had been anticipated; the principal part of which was unavoidable, in the state the country had been placed by the declaration of war; but a portion of the expenses had been incurred under unfavorable circumstances, owing to the improvident and injudicious conduct of the administration relating to the war, for several months after it was declared. When the militia were called out, as they were in Pennsylvania, Ohio, and New York, in large numbers, they were not sufficiently armed; and extraordinary expenses were incurred to equip them.

There was also a great deficiency of blankets and other necessary clothing for the soldiers, during the fall and winter of 1812-13; as the non-importation laws had been then sometime in operation; and the manufacture of woollens was also then comparatively very limited in the United States.

When Mr. Madison took the oath of office, on his re-election as President of the United States, 4th of March, 1813, he spoke of the war, "as stamped so strongly with the features of *Justice*, as to invite the smiles of *Heaven* on the means of conducting it to a successful termination." And in justification of this strong language, he said, "The war was not declared by Congress, until it had been long made on them, in reality, though not in name," and till it was indispensably necessary for the welfare, the interests, the honor, and rights of the nation. It was solely or chiefly resorted to, he said, in support of the rights of the seamen, who were often impressed into the British service, and for resisting new principles, and injurious practice concerning neutral commerce, which deeply affected the United States. There was no such expression of the public opinion on the subject, as to afford proof, that the majority of the people fully responded to these sentiments of the President. It might be reasonable to conclude, from the then recent elections, that they approved of the measures of the executive. But there was a strong demonstration, by the people in various parts of the Union, that they considered the war unnecessary, if not unjust; and that they were anxious for its termination, on such terms as the British government had proposed.

The success of the navy was a cheering consideration to such as cherished the feelings of national pride; and there were repeated instances of the gallantry of naval officers in the course of six months after the war began. This was the more gratifying to the citizens of the United States, as it was unexpected, in the small number of American armed ships, compared to the naval power of Great Britain; and the

victories on the ocean furnished a redeeming consideration for the patriotic citizens, under the various disasters which the army suffered; although a few, who viewed the war as unjust, could not join in the general exultations even for any success attending the American arms.

The war served to show the strength of the government and the patriotism of the people. The preparations and expenses for placing the country in a proper state of defence, in 1798, when war was expected with France, were borne with due submission by those who did not fully approve of warlike measures. And, in 1812, though a bare majority of the people justified the war with England, and probably the majority was desirous of closing it in six months, after the offers of the British government for further negotiations, and the great disasters suffered by the army on the borders of Canada—still the administration was supported, or certainly not opposed by any disorderly or violent acts. The people, in various parts of the nation, complained of the measures of the federal government, and censured its war policy, like independent freemen, zealous of their rights, and fearless in scrutinizing the conduct of their rulers; and many declined to assist in prosecuting the war, by voluntary loans, or by any acts besides those which the laws imposed, or by such efforts as were necessary for defence when the coasts were actually invaded. But no plans of insurrection, or forcible opposition to the authority of the government, or attempts to sever the Union, were proposed at this period of pressure and calamity. The power of the federal government proved adequate to the crisis; but the consideration is not to be forgotten, that, in the third year of the war, the people became more dissatisfied and louder in their complaints: and that no formidable opposition appeared, must be attributed to the patriotic feelings of the citizens, and to their convictions of the necessity of order and of obedience to all constitutional authority. With a population of a different character from that of the great majority of the people in the United States, and with the freedom they possessed, it would have been difficult to maintain a war, when so great a portion of the nation disapproved of it.

The administration did not appear consistent in the causes assigned, at different periods, for declaring or continuing the war. The subject of the impressment of American seamen, by the British ships of war, was indeed the great cause of complaint and irritation, and was often declared to be the principal reason for the war. And this

was offered as the only reason for continuing the war, in the summer of 1812, after the British revoked their orders in council, and proposed a cessation of hostilities; and yet, before the declaration, and before the British orders were repealed, even in May, 1811, when the Envoy from Great Britain to the United States gave assurance that the orders of 1807 would be withdrawn, on authentic and official notice of a revocation of the French edicts of a previous date, and that the blockade declared in May, 1810, would also thereupon cease; the American Secretary of State wrote the Envoy in reply, "That the President had received the information with great satisfaction, as it had been a *material* obstacle to an accommodation; and that such repeal of the British orders would be immediately followed by a repeal of the act for the non-importation of goods from England, then in force." So *material* was this obstacle in the way of adjusting the controversy between Great Britain and the United States, at that time, that had it been removed six weeks sooner than it was, and before the declaration of war, it appears highly probable, that this calamity might have been avoided. The sole difficulty of impressment would not have been thought to justify a war, even by the warmest friends of the administration. For though all the precise terms proposed by the American executive on that subject, were not agreeable to the British administration, it was disposed to make an arrangement, favorable practically to the security of *bona fide* American seamen. And the American Envoys, in 1808, had formed an article relating to impressments, in the treaty they signed at that time with Great Britain, by which, in their opinion, the rights of American seamen would be substantially secured.

The invasion of Canada was renewed in the spring of 1813: Twenty five hundred troops, under Major General Dearborn, embarked at Sacket's harbor, in eight armed vessels, commanded by Commodore Chauncey; and crossing the lake, attacked Little York in the province of Upper Canada, on the 27th of April. The American troops had been some time collecting and preparing for this object; and had a better prospect of success than the detachments which entered Canada the year before. The British force at York and vicinity was comparatively small, though aided by several hundred Indians. After some severe fighting, the town was taken by the Americans, but the British General, commanding there, escaped with a great part of the regular troops. More than two hundred British and Canadians were killed; and a large number made

prisoners, with two hundred Indians. The loss of the United States troops was also great; many being killed or mortally wounded by the explosion of the British military magazine in the town. There were valuable and extensive military stores taken at Little York; which had been collected there, to be forwarded to Niagara river, and to Detroit. These were immediately transported to Sacket's Harbor; and in a few days after, another expedition against Canada was projected, with a large force. On the 27th of May, General Dearborn, with about seven thousand troops, landed at Newark; when the small British force there retreated about thirty miles to join a larger body of Canadians, at a place called Forty-Mile Creek, after destroying a great part of the stores. The first of June, a force was ordered, under command of a Brigadier General, of two thousand men, to proceed to Forty-Mile Creek where the British and Canadians were collected: and three days later, a second Brigadier General, with more American troops, was ordered to proceed for his support. The British retired several miles, on the approach of the American troops, and then prepared to defend themselves if attacked.

General Winder, who commanded the first body of the United States troops, proceeded within about ten miles of the enemy; and the other detachment, under Brigadier General Chandler, followed soon after. Early the following morning, before daylight, and when quite unprepared\* they were attacked by the enemy, the two Brigadier Generals were taken, besides a number of the men, and many were killed and wounded. The British troops soon retired; for they were not so numerous as the Americans; and Generals Lewis and Boyd hastened the following day to support them, from the distance of thirty miles.

In this expedition nearly one thousand of the United States troops were killed, wounded, or taken prisoners. Lewis and Boyd behaved with great spirit and bravery; and when a British naval force appeared near the Forty-Mile Creek, where the former was in command, and summoned him to surrender, he refused in the spirit of a brave officer. Soon after, however, he judged it expedient to return to Fort George—and thence, when American vessels could be provided, to return to Sacket's Harbor—a portion of the army remained some time at Fort George, under

\* In one account it was stated, that the commanding officers of the United States expected the attack.

General Boyd, with a view to be a check on the enemy, and to prevent a concentration of their forces; which it was believed they contemplated previous to an attack on the United States side of the lake. The naval force of the United States on lake Ontario was increased at this period, and able to act with effect in preventing, for sometime, an invasion of the United States territory. The army under Governor Harrison, in the west, was able to accomplish little more than to defend the frontiers from the British and Indians in that quarter. No attempt was made by him for invading Canada at this time; and it would have been highly imprudent in the existing state of the army.

The village of Havre-de-Grace, situated near the mouth of the Susquehanna river, consisting of nearly one hundred dwelling houses, was attacked by the British, in boats and barges, from ships of war near the coast, and burnt in May, 1813. There was no military force in the vicinity to defend it. The towns on the Atlantic coast in most places were not sufficiently protected: It appeared to be the great object to have a sufficient force to invade and conquer the British provinces in Canada.

The United States troops at and near the southwest part of lake Ontario at Fort Niagara, Lewistown, including those at Sacket's harbor, at the northeast, and those at Fort George on the Canadian borders, were about ten thousand; about seven thousand of which were on and near Niagara river. General Boyd, who retained possession of Fort George for some time, had frequent skirmishes with the British; and on two occasions the contests were very serious and extensive, and great numbers of the American troops were killed or taken. One of these was at a place called Beaver-dam, by a detachment under command of a Colonel; and the other by a still larger force, under General Boyd. During all this period, no progress was made in the conquest of Canada: but defeat and disaster were the consequences of the invasion; and yet on several occasions the officers behaved with great promptitude and bravery. The British followed up their successes, and invaded the territory of the United States. They took possession of Fort Niagara, and remained there several weeks; and at that time the naval force of the enemy on the lake was superior to the American squadron. Several boats belonging to the United States fell into the hands of the British. The loss was sustained by the United States troops, including the surrender of General Hull at Detroit, in August, 1812, and in the battles of Little York, Queenstown,

Fort George, Forty-Mile Creek, and Beaver-dam, all before the close of July, 1813, was estimated at 8500, killed, wounded, or taken. These were all employed in the proposed invasion of Canada. The expenses of these several armaments were very great; and increased the public debt to a vast amount. After war was declared, it was necessary to prepare for the protection of the people on the frontiers of the United States, and to prevent the enemy in Canada from penetrating far into the national territories. But this great sacrifice of life and vast increase of the public debt, for the purpose of conquering the British provinces on the northwest of the United States, served to render the war policy very doubtful, and exposed its authors to severe and heavy censures.

At the extra session in June, 1813, agreeably to a resolution of the House of Representatives, offered by a member from New Hampshire, (Mr. Webster,) the President was requested to lay before Congress the correspondence of the French and American minister, respecting the manner and the time of the repeal of the French decrees of Berlin and Milan. The resolution was opposed for many days, but was at length adopted; the correspondence was submitted to the House, and some time after published. It served to show that the suspicions were well founded, which had been expressed by many, more than a year before the declaration of war, of collusion on the part of the Emperor of France and his ministers on that memorable occasion: that either no decree, for revoking the obnoxious edicts, was passed at the time it was pretended; or that, if actually adopted, was not put in operation; and could therefore be no warrant for the American government to demand thereupon, a repeal of the orders of the British administration. Indeed, there was just cause to doubt the existence of any order of the Emperor for such revocation, having been made at the early date declared by the French minister; and many believed that no such order was made as intimated. And this view of the subject furnished proof sufficient to satisfy the most incredulous, that the nation had been seduced into war, by the duplicity of a foreign despot, or by an unjustifiable disposition to retain his friendship. War would not have been declared solely on account of the impressment, though that was *one* of the principal reasons for resorting to war, and for continuing it after it had been declared: and had there been satisfactory evidence of the revocation of the French edicts in 1811, when it was so intimated, the obnoxious orders of the British government

would have been withdrawn, and the calamities and expenses of war with a powerful maritime nation, would have been prevented.

Soon after the resolution above mentioned was adopted, and a message received from the President, with numerous documents requested by the House, a report was made by the Committee of Foreign Relations, approbatory of the grounds of the war taken by the President—but the report was disapproved by the majority of the House of Representatives. At this extra session, July, 1813, several nominations of persons to be foreign Envoys, were negatived by the Senate. That body also rejected the bill for an embargo, which had passed the House on recommendation of the executive. They indirectly advised the President whom to nominate; which he justly and feelingly opposed; though their right to reject his nominations was undoubted.

The British troops in Canada, in the latter part of the summer of 1813, after having made a successful defence of that province, and obliged the United States forces to retire from the places previously taken by them, engaged in offensive operations, and attacked several towns within the State of New York and Vermont, situated on lake *Champlain*. And on this lake, as well as on *Ontario*, they had prepared a naval force fully equal, if not superior to that of the United States on those waters. Plattsburg and Burlington were attacked by the enemy the first of August. They did not land at Burlington; but meeting a heavy fire from the United States troops stationed there,\* as well as from some armed vessels then in the harbor, they retired without doing any damage. At Plattsburg, on the west side of lake Champlain, they made a more formidable assault; they effected a landing and burnt several public buildings; but did not destroy dwelling houses or private property. The attack was made by a naval armament, consisting of two sloops of war, three rowgallies, two gunboats and forty-three batteaux, with 1300 men. The attack on Burlington was considered a bold measure on the part of the British, so well defended as it was by several armed vessels as well as by a large body of land troops. The commander of the vessels in the service of the United States, on the lake at that time, was not well supplied with experienced officers, to enable him to act with so great effect as had been anticipated.

\* There were then at Burlington about 4500 men, under command of Major General Hampton.

The success of the land forces of the United States, in the northwest, under Major General Harrison, at the opening of the campaign in 1813, served in some measure, to retrieve the character of the American generals, which had suffered by the disasters and defeats of 1812. He conducted with equal bravery and intelligence, in that part of the country, during the year 1813; and some time before indeed, after the capture of Detroit and the army under General Hull in 1812. The defence of Fort Meigs, near the rapids of the Miami river, in May, 1813, by the United States troops under General Harrison, was an important event in the prosecution of the war. The fort was attacked by the British, consisting of 500 regulars, 800 of the Canadian militia, and 1200 Indians; far exceeding the troops under command of General Harrison; but he refused to surrender when summoned thereto by the British commander. The enemy were repulsed with great slaughter when they made an attempt to storm the fortress. The loss in the United States army was comparatively small; but several officers of merit were slain.

In the course of the same year, in September, 1813, the land forces under General Harrison achieved another important victory over the British troops, at Malden, on the Canada side; where they had collected in large numbers, with intensions, probably, again to invade the territory of the United States. On the approach of General Harrison and the United States troops, the enemy retired, after dismantling their fort, and destroying most of the articles which they could not remove. General Harrison pursued them, and came up with them at the river Thames. A battle ensued, "one of the most honorable and decisive which was fought during the war;" and victory was again declared for the arms of the United States. The British commander, indeed, escaped, but his army was entirely defeated; and a great part of their military stores fell into the hands of General Harrison. Governor Shelby, of Kentucky, and Captain Perry, acted as volunteers in this expedition; and in the character of aids to General Harrison. This enterprise took place soon after the success of Captain Perry over the British armed vessels in lake Erie. It had long been the opinion and advice of General Harrison, that a naval force on the lake was necessary to give success to the arms of the United States in that quarter. The Secretary of War, General Armstrong, in a public document, soon after, declared that this conduct of General Harrison



was not only highly indicative of bravery and good judgment, but was attended with important results to the country.

On lake *Erie*, the naval enterprise was attended with brilliant success. Due time was taken to prepare a sufficient force to attack the British squadron there; and the commodore\* of the United States fleet was well qualified by his courage and skill to conduct the enterprise. Early in September, after repeated attempts to meet the enemy's fleet, it was discovered at a distance, and a chase and battle immediately followed. It continued several hours, and was very severe, and attended with great loss of lives on both sides. But victory was the fortunate lot of the Americans—and the conquest of the British was complete. Their whole fleet, composed of two ships, one brig, two schooners, and a sloop, and having sixty-two guns in all, was captured, after being much injured during the engagement; one of their ships mounted twenty guns, and another eighteen.—The United States fleet consisted of two ships, of twenty guns each; and six other vessels, but much smaller;† carrying altogether fifty-four guns. Twenty-seven belonging to the United States vessels, including three officers, were killed in the action; and ninety-six wounded. The number of the enemy killed and wounded was believed to be still greater. The success attending this enterprise was principally owing to the judicious and resolute conduct of the commander, though he was ably supported in his plans by most of the other officers. He was also justly entitled to the credit of preparing and equipping the American fleet, under many discouraging and untoward occurrences. The government was unable or neglected to furnish him with materials and men for building the vessels he desired, and considered necessary, to act with effect on the lake. But his diligence and perseverance overcome all obstacles.

The result of this very brilliant affair, as well as of several other naval successes on the ocean, in the course of 1813, was a conviction with the administration, however reluctantly expressed, of the necessity of a respectable navy to vindicate the honor, as well as in some measure to protect the coasts and territory of the United States. In all cases, effectual protection, however, could not be afforded; the American navy being scarcely a fourth part, either in force or number, of the British; which had been continually increased dur-

\* Oliver H. Perry, of Newport—a young man, but of great bravery, decision, and energy of character.

† Two of these had but two guns—three of them but a single swivel—one of three guns, and one of four.

ing two centuries. The second year of the war, after proposals for a cessation of hostilities and for further negotiations on the subjects in dispute, between the two nations, were rejected by the American administration, a large number of ships of war visited the coasts of the United States, and created much alarm in many places, and greatly interrupted the usual pursuits of navigation and trade.— They were too formidable to be met by the American ships, which were often employed with more effect in distant and separate parts of the ocean. In the Chesapeake bay, and near the eastern coasts of Massachusetts, they were of great force, and landed at several places; some of which they retained for a long period, as there was not a sufficient naval force of the United States to encounter them.

The fleets on the lakes and the troops on the northwestern and western frontiers, continued their operations till late in the season, with varied success. The American vessels on lake Champlain and lake Ontario were vigilant, and ready always to act where duty and occasion called; and served to prevent the British inflicting injuries in the territory of the United States. Several small armed vessels belonging to the British, fell into the hands of the Americans: who also made prisoners of about three hundred of the enemy's troops which were on board.

The main body of the land troops on the northwest frontiers, left Plattsburg in the month of October, and entered the territory of Canada in the vicinity of Montreal, under command of General Wade Hampton. But did not advance so far or so rapidly as had been expected. The enemy were prepared to meet them; and attacked them so powerfully that they returned within the line of the United States, and most of them to Plattsburg; having lost a number of men in Canada. The army of the west under General Harrison, after a long period of apparent inaction, either from want of warlike stores, or of sufficient naval force to unite in any offensive operations, was able to pass over lake Erie to the Canada shore, as related; where they attacked and took Malden, defeated the British in that vicinity, and took many prisoners, and then recrossing the lake, landed at Detroit, which soon surrendered, after having been in possession of the British more than a year. In these rencounters, the enemy had large numbers of Indians in their ranks, who proved a great assistance to them.— Some of the tribes attached themselves to the United States troops, but they were less numerous. But wherever they

were found, they were charged with great cruelty towards their captives. A part of the American army, under General Boyd, remained in possession of Fort George on the Canadian side of the Niagara river, and near the head of lake Ontario, for some months. Generals Harrison and Wilkinson also proceeded to this part of the country; and a plan was probably formed to march into Canada, with this large united force. But it was not carried into execution. The return of General Hampton probably prevented.

Thus ended the various and expensive expedition for conquering Canada, in 1813; and little more progress was made than in the year 1812. The invasion of the Province, for conquest, was unsuccessful, though the British were defeated at Malden. The expenses of these several armies were very great; and the loss of human lives was also great, though mostly by sickness. On lake Erie, the naval force of the United States, under commodore Perry, it has been seen, was completely victorious: and on lakes Ontario and Champlain, the British were kept in check, by the small American fleets; so as to be prevented from doing much injury to the people of the United States, as they attempted, in retaliation for the invasion of their territory.

The ships of the United States, on the ocean, were successful in most of the naval actions which occurred in 1813; and the patriotic pride, kindled by these achievements, led many to support the war, who were before opposed to it; and prevented that calamitous measure from fatally injuring the popularity of the administration. The people, however, in various parts of the country, expressed an opinion that the war was unnecessary; that negotiation would probably better settle the dispute and secure the just claims of the United States; and became, therefore, more desirous of peace. The general voice was opposed to an invasion of Canada; for it was not believed, that the conquest and annexation of that extensive territory would add to the stability or welfare of the United States. It was perceived also, that the British government had abandoned one of its obnoxious measures; and that the other cause of the war would not probably be removed, though it should be continued many years. For it was well understood, that Great Britain would never consent to relinquish the right of taking her own subjects in time of war from neutral merchant vessels: and the contest had also now become very popular in England.

The policy of the federal government, at this period, and

the views entertained\* as to the propriety of the war, cannot be so justly and fully stated, as by referring to the public message of the President of the United States to the national legislature, at the opening of the session in December, 1813.

On the subject of national disputes with France, he spoke in a very short, but not very satisfactory manner. "The views of the French government on the subjects, which have been so long committed to negotiation, have received *no elucidation* since the close of the last session of Congress. The minister of the United States, at Paris, *had not* been enabled, by any *proper* opportunity, to press the objects of his mission, as he was instructed." He said he had hoped to lay before Congress some effectual progress in negotiations for peace with Great Britain; inasmuch as the American government, in a liberal and magnanimous spirit, and with a desire for peace, had assented to a proposition for the mediation of the Emperor of Russia, offered by that Prince for an adjustment of the disputes between the two nations; but in this expectation he had been disappointed.

"But the British Cabinet," says the President, "mistaking our *desire of peace* for a *dread of British power*, or misled by other *fallacious* calculations, has disappointed this reasonable anticipation. No information has been received from our Envoys on the subject; but it is known that mediation has been declined, at first; and there is no evidence since offered, that a change of disposition in the British Councils has taken place, or is to be expected.—"Under such circumstances, a nation, proud of its rights and conscious of its strength, has no choice but an exertion of the one for the support of the other." "To this determination, the best encouragement is derived from the success, with which it has pleased the Almighty to bless our arms, both on the *land*† and on the water."

\* The paper, most in favor of the government, which was then considered *semi-official*, the week before Congress assembled, stated what it deemed of vital importance to the favor and interests of the country—which was as follows—"retaliation on British prisoners for alleged severe treatment of Americans by the British—an extension of the term of enlistments for twenty regiments of regular troops—restraining all traitorous intercourse with the enemy—the *expulsion* of the various tribes of Indians, on the northern and southern frontiers from their habitations, and obliging them to take refuge in the *distant* wilderness—the *seizure* of East Florida—provision for increasing the navy—and the right of naturalization." Several of these, the President was moderate or prudent enough not to recommend. But they were probably in the views and plans of some of the political friends of the administration.

† This was considered a strange declaration, when the *land* forces had been

The message referred to the employment of the Indians by the British, and the cruelties which had been perpetrated by them, on several occasions; and it was observed, "that it became necessary to send a military force against the Indian tribes, both in the West and South. A force had been called into the service of the United States from Georgia and Tennessee, to check and keep in awe the savages on the southwestern borders. General Andrew Jackson was appointed to command in that part of the country, and was successful in opposing the inroads and depredations of the Indians."

The subject of impressment was introduced in the message, and the injustice of the British, in their practice relating to those claimed as their natural-born citizens, was again brought to view, in strong terms. It was stated, that in Canada, great abuses, under their own doctrine, were committed; for all born in the British provinces, and who had early settled in and become citizens of the United States, were considered as traitors, if found in the American army, and yet they employed in their ranks, natives of the United States, who had become inhabitants of the British territory.

In presenting the state of the public treasury, the message states, "that the receipts exceeded thirty-seven and a half millions dollars; twenty-four millions of which were the product of loans; and that, after meeting the demands on the treasury, there were nearly seven millions remaining. Further sums, to a considerable amount, will be necessary to be obtained by loans, during the ensuing year; but from the increased capital of the country, and from other causes, it may be justly expected, that the necessary pecuniary supplies will not be wanting."

The general tone and spirit of the message was calculated to awaken or to maintain a disposition for war among the people; and therefore, the reverses which had occurred were passed over as comparatively trifling, and the few successes achieved as far greater, or more beneficial to the nation, than facts would justify. The people were told that they were a brave and powerful nation, and their resources infinite; so that the war might be long prosecuted

almost invariably unsuccessful; when defeat had followed the invasion of Canada; when there had been a great loss of lives, and two seasons passed in attempts to conquer the British provinces, attended with utter failure, except in the dispersion of the British troops and Indians, at Malden, by the American troops, under General Harrison. "That expedition," the President said, "was *signally* honorable to Major General Harrison, by whom it was planned and prepared."

without greatly impoverishing the country ; and that the reasons for continuing it were cogent and numerous. And yet it will be seen, that before another year had elapsed, peace was earnestly sought for by the federal administration, even with yielding some points at first declared to render a war just and necessary.\*

The first act of importance, and of a general character, passed at this session of Congress, was an embargo act, to continue till the first of January, 1815 ; “ unless a cessation of hostilities between Great Britain and the United States should previously take place.” The provisions of this act were very restrictive and severe. It forbid *boats*, having provisions or any military stores on board, passing from one port or harbor to another, at small distances ; and was construed as extending to small craft employed in fishing by the day, and within a few miles of the land. The reason given for such severity and strictness of prohibition, was that the small vessels and boats sometimes conveyed provisions to the British ships of war hovering on the coasts. The act operated very grievously on the fishermen and coasters, who were generally an indigent and harmless class of people.† An embargo act of a similar character was recommended by the President, in July, 1813, to be in force till the

\* In December, 1813, and soon after the United States troops withdrew from Canada, and took up their winter quarters at Plattsburgh, and other places near the northwestern borders, a large British force crossed the Niagara river, captured Fort Niagara, burnt Lewistown, Buffalo, and some other small villages, and entrenched themselves on Niagara heights. The detachment consisted of about 1500 British regulars, militia, and Indians ; and almost the whole of the American troops in the fort were killed or taken. General Wilkinson was at this time at Plattsburgh, with about five thousand troops.

† The legislature of Massachusetts passed resolves—“ That the embargo act contained provisions not warranted by the Constitution of the United States, and violating the rights of the people of this Commonwealth—that they have always enjoyed the right of navigation from port to port within the State, and of fishing on its coasts—that they have a right to be secure from all unreasonable searches and seizures of their persons, houses, &c.—that the law rendering the property of an individual liable to the discretion of every one, without warrant from a magistrate, is unjust and tyrannical—that the people have a right to be protected in the enjoyment of life, liberty, and property, according to *standing laws* ; and that all attempts to prohibit them in the enjoyment of life, liberty, and property, by persons under executive directions, and power only, and armed with military force, are destructive of their freedom, and altogether repugnant to the Constitution.”

An eminent political character, who took *neutral* ground in the war ; or was disposed to support it after it was declared by Congress, expressed the following opinion of the embargo and non-intercourse laws, “ I believe the *restrictive* system overleaps the bounds of *Constitutional* power—that it is impossible to execute it—that the attempt to do so, corrupts the people, by destroying the correct habits of our merchants, and rendering perjury familiar—that it would

then next session of Congress. That bill received the assent of the majority of the House of Representatives; but it was lost in the Senate; the vote in that body being eighteen against the bill, and but sixteen in favor of it. The act of the present session gave great power to the President; and allowed him to employ numerous agents, who did not fail to exercise their power in many instances by needless severity, or unjust partiality. It was repealed, however, on the 14th of April, following; but the non-importation act, as to British goods and merchandise, was continued.

Acts of Congress were passed, in January, 1814, for making additions to the regular army; for raising several regiments of riflemen; for extending the term of enlistments from one year to five years, or during the continuance of the war, and for giving higher bounties than had before been offered; viz. one hundred and twenty-four dollars to every individual, one hundred of which to be paid on his enlisting and being mustered. The President was also empowered to receive *volunteer* corps into the public service; provided they would *engage to serve for five years*, or during the war; and they were to receive the same bounty provided for those of the regular army. An additional act to provide for calling forth the militia was passed, at the same session, in which the militia, so detached or drafted, when called into the service of the United States, were made subject to courts martial, on a charge of misconduct, in the manner required by the articles of war, in cases of courts martial for the trial of delinquents in the regular army. This law caused much alarm and complaint in some parts of the country; especially in Pennsylvania, where are found great numbers of the society of Friends. In some places, members of that sect were pressed into military service, and treated with great severity. But the instances were very few.

Notwithstanding the boast of success in prosecuting the war, by the friends of the administration, and the public declarations of the President, that it must be continued so long as the causes which led to it were not removed, additional Envoys were appointed early in 1814 to join those previously commissioned, and new instructions given them, permitting

be *ineffectual* to coerce foreign nations, if executed—that it is unjust and oppressive to the commercial part of the community, as it *destroys* invaluable interests which the federal government is bound to *protect*—that it sacrifices our principal source of revenue, and reduces us to depend on meagre supply from internal taxation, or to accumulate an enormous public debt by loans—that it aims a fatal blow at our progress in wealth and general improvement.”

them to make peace, without insisting on all the terms before advanced, as indispensable. Messrs. Adams, Bayard, and Gallatin\* had been appointed in April, 1813; in January, 1814, Messrs. Clay and Russell were added to the embassy. The negotiators, both British and American, met at Ghent, in August, 1814; and concluded a treaty between England and the United States, in December following; and the ratification took place in February, 1815, to the great joy of the people of both nations. No new principle was recognized or admitted, and no new regulation made on the important subject of impressment of seamen, which was the principal, and at one time the *only*, reason given for the war; but the treaty was silent on that question. Besides the restoration of peace, it was little more than a treaty of limits and boundaries. A commercial treaty between the two countries was to be adjusted at a future day. The American Envoys were instructed to make peace on the most favorable conditions to be attained; but to *make peace*; and there can be no reason to doubt, that they were urged to do this, from the consideration of the increasing unpopularity of the war in the United States; and of the loss of political power in Europe by the French Emperor. If he had not been loved, he had been feared; and if it was not intended to aid him in his ambitious projects, it was evidently proposed so far to favor him, as to secure his influence in opposing Great Britain.

During the year 1814, however, the war was prosecuted with great exertions and zeal. The means for supporting it were augmented by the federal government in every possible way; and the British, particularly on the ocean, acted with more efficiency than in the early period of hostilities. Their ships of war hovered upon the coasts of the United States, in almost every part; and often entered harbors, and landed large bodies of men, who destroyed much property, and alarmed and distressed the inhabitants. They took possession of Eastport, and of Castine; and there were no troops of the United States prepared to prevent the capture, or to dispossess them afterwards; and the militia could do little without a suitable naval force.

The regular troops of the United States were again collected on the northwest frontiers, early in 1814. Some of

\* These appointments were made by the President, when the Senate was not in session. And afterwards, when the nominations were laid before the Senate, there were objections and much delay in the appointment of Mr. Gallatin.



them were assembled at Sacket's Harbor; some at a place about ten miles east of Lewistown; and some within a similar distance of Buffalo; while Plattsburg was considered the head-quarters. As soon as the lakes were navigable, the British appeared in considerable force on Ontario, and the naval armament of the United States there was not sufficiently powerful to meet them. There was great alarm at Sacket's Harbor, and other places in the vicinity, from the expectation of an attack from the enemy, who were in large force at Kingston, on the Canada shore. The place was much exposed; but for some reason, no part of the army, under Wilkinson, was sent there for its defence. His aim appeared to be another attempt to invade Canada, farther north. He soon after met the British on his march, and was obliged to return to Plattsburg, with the loss of some cannon and about eighty men. At Plattsburg and at Sacket's Harbor, there were heavy complaints heard against the American generals, for want of judgment and energy, in this military enterprise.

At a later period in the season, after the northern army was strengthened by new enlistments—for though there had been new proposals for peace, great preparations were deemed necessary on the opening of the year, 1814—Canada was again invaded; and a detachment from the United States troops, consisting of about two thousand, under General Jacob Brown, crossed the Niagara river, in July, and attacked the British at Chippewa, with great bravery and success. The enemy, with a larger force than General Brown commanded,\* offered battle; and it was not declined. The action was very severe, and the loss great on both sides; but the British suffered most on this occasion. Their killed and wounded numbered 400; while those of the Americans were a little more than 200. Generals Ripley and Scott were the next in command to General Brown; and received high praise from him, in his official account of the action, for their bravery and activity.

It was the expectation of General Brown that the United States fleet, then at Sacket's Harbor, would have co-operated, and would assist his continuance and progress in Canada; but it was not in a condition to command the lake, and could not therefore afford the support and aid desired. General Brown, however, remained in Canada,

\* The numbers were variously stated. But it appears that the British troops were about 3000, including Indians; and the United States forces, under General Brown, about 2000. Chippewa is ten miles from Queenstown.

in the vicinity of Chippawa, for some time, in the hope of receiving assistance from the naval armament on the lake.

On the 25th of July, another battle took place between the British and American troops, near the Falls of Niagara—the British force exceeded three thousand, including a reinforcement after the battle had began, under the command of Lieutenant General Drummond: and the United States troops, not so numerous, under General Brown. The slaughter in this second battle was very great; and the contest was maintained several hours with obstinate bravery on both sides. Ripley and Scott were distinguished on this, as on the former occasion, by their brave and useful services. Generals Brown and Scott, were wounded; and General Riall, the second in command in the British army, was taken, with twenty other officers. The United States troops fell back to Fort Erie; where, after a few days, they were attacked by the British, but they were compelled to retreat.

In the month of July, the commanders of the British ships of war which had then been in the Chesapeake for several weeks, landed men at various places in Maryland and Virginia, who destroyed both public and private buildings, and carried away cattle and provisions, to a large amount. They entered the Potomac, and ascended as high as Westmoreland, where they burnt the Court house, and about the same time, the Court house in Calvert County, Maryland.\* And the *government* paper expressed great astonishment that the militia did not turn out and prevent these depredations! The militia were called out in the vicinity of the places invaded, and near the coast where the enemy appeared, and a few regular troops were added, making a force of about five thousand. The British landed six thousand; and after attacking some smaller towns, marched to Washington, meeting with little opposition, and burnt the Capitol of the United States, the President's house,† several public offices, and destroyed much other valuable property. The Maryland militia, and volunteers from Baltimore, soon collected and attacked them as they retired, and compelled them to embark on board their ships. Several British vessels of war, however, re-

\* Part were landed by entering the river Patuxent, and a part at Port Tobacco, on the Potomac. Some accounts made their whole number nine or ten thousand.

† The President, his secretaries, and family, had barely notice to retire in safety.

mained in the waters of the Chesapeake, and kept up an alarm among the inhabitants, for some time after the attack on Washington. But the militia of Maryland prevented their penetrating again into the country.

Other States on the Atlantic seaboard were invaded, or threatened with invasion, during the summer and fall of 1814. Massachusetts and Connecticut were particularly exposed. The ships of the enemy had the command of Long Island sound, and were often hovering on the coast of Connecticut, which for a great length lies on that inland sea. Massachusetts has a seacoast of five hundred miles, Maine being then a part of the State; and the greater part of it was visited or threatened by the enemy's ships. For defence of the people and property near the coasts, the militia were engaged a great part of the season, amounting in the whole to a very large number \*—and at an expense of nearly a million of dollars.

The navy of the United States was not inactive during the year 1814; but could not boast of such brilliant success as in the two first years of the war. The British ships were in every sea, and of great force; and it would have been madness designedly to encounter them. When opportunity presented, and not under great disadvantages, from inferiority of size, and guns, they played their part with their wonted bravery. Only one disaster of magnitude befel the American navy. The frigate *Essex*, which was one of the second rate of ships of that class, was taken by a British ship of war, of much larger force, after a brave and obstinate engagement, on the coast of Brazil. The *Essex* was attacked by two British ships, one much larger than that vessel; and the other a large sloop of war.

After a severe engagement, between two sloops of war of equal force, in the course of the summer, the American ship was victorious over the British; which was captured and brought into the port of Charleston. On lake Champlain also, the small United States fleet under Commodore McDonough, after being long in apparent inactivity, but in truth, unprepared for offensive operations, gained a complete victory over the British force on that lake, in September; and captured all their vessels but three boats. The attack was made by the British commander on the American fleet, near Plattsburg; and a large land army from Canada, had advanced within the territory of the

\* The whole number called into service, for longer or shorter periods, was nearly eighty thousand.

United States, and to the vicinity of that place. The British naval armament was superior to that of the United States on the lake; the battle was continued about two hours; and the victory was gained at a great price. Many brave men fell on the occasion. The land forces of the British soon after left their advanced post, and returned to Canada.

The national legislature, which had been adjourned to the last of October, was convened on the 19th of September, by a special call of the President. The great changes in Europe, and the aspect of affairs in the United States, rendered an early meeting of Congress very important. In a free country, the representatives of the people should be often consulted; and no measures of deep public interest adopted without an understanding of the Executive with the other branches of the government. Too much had been already done in secret; and it was necessary that Congress should have more information, as to the foreign relations of the United States. At an early day in the session, the President laid before Congress the instructions which had been given the American Envoys, appointed to negotiate a peace, and the correspondence which had taken place on the subject. And by these, it appeared, that new terms were proposed; and authority given the Envoys to make peace, without insisting on all the claims and principles before advanced. The spirit and tone of the public message of the President to Congress, at this time, were very different from his former communications. There was, indeed, a complaint that the claims of the British government were the cause of the war, and that the conduct of British commanders was *cruel and barbarous*. But a desire for peace was strongly expressed, and a disposition fully manifested to represent the views of the British Cabinet less hostile than had been formerly stated. "The repeal of the orders in council; and the general pacification in Europe, which withdrew the occasion on which impressments on American vessels were practiced, lead to an expectation that peace and amity may be established." And with a view, no doubt, to justify the continuance of the war, after the repeal of the British orders, and a proposal for cessation of hostilities in the summer of 1812, the refusal of England to accept the mediation of Russia was mentioned as evidence of a wish for war on the part of that government, and as furnishing good cause for prosecuting it by the United States.

Though some parts of the message were disapproved by

the friends of peace in Congress who had been opposed to the declaration of war, the instructions of the President to the Envoys then in Europe to negotiate with the British, requiring only such conditions as were considered reasonable, and giving up some points before demanded, met with very general acceptance; and an opinion was expressed by several members in the opposition, that if peace could not be obtained on the terms then offered, the war should be readily supported by all parties. It was evident, however, from the diplomatic correspondence communicated to Congress, that the misfortunes and disasters, which had fallen on the French Emperor, had an influence in giving a more pacific tone to the new instructions of the President.

This disposition of the American administration, as the war had been commenced with extravagant claims on its part, gave strong hopes of peace. But as such an event was uncertain, as to how soon it might occur, it was proper to keep up the army; and various acts of Congress were passed to increase the regular troops, and to accept the service of State troops for local defence. The public debt, having increased to a vast amount in the course of three years, it was found necessary, even with a great probability of a speedy restoration of peace, to increase the taxes in various ways. A new direct tax of six millions was laid; the rate of postage on letters, by the public mail, was increased fifty per cent. Duties on sales at auction were increased one hundred per cent. Fifty per cent. added to the duties on licenses to retail wine and spirituous liquors. The duties on distilled spirits, on pleasure carriages, on household furniture, and on watches, were increased; and new duties laid on goods and wares manufactured in the United States.

These propositions were opposed with great earnestness and power by several members of Congress; especially the bill for six millions of direct taxes. The war was denounced as unjust, as well as unnecessary, and as being exceedingly oppressive to the people, whose course of profitable business had been so greatly interrupted. Complaints on this subject were every where heard among the people, and the majority became desirous of peace on any terms. During the session, a bill was presented for establishing a new Bank of the United States, as it was believed it would assist the government in its financial concerns, as well as the trading part of the community. The plan was approved by the Secretary of the Treasury, (Mr. Dallas,) and passed in the

House of Representatives and in the Senate ; but the President disapproved of it, and it did not become a law. Some doubted the constitutional power of Congress to pass such an act ; though a National Bank had been adopted with the approbation of Washington, when he was President : and others supposed that it conferred special privileges on a few, and those solely of the mercantile class of citizens. The law, providing for calling out the militia to defend their respective States, was very acceptable, and was more agreeable to the State authorities, who could thus employ them near their homes, and merely for defence. In the Atlantic States, where the British vessels often landed their men, such a plan was useful and necessary ; and it was also in harmony with the principles of the whole militia system. It was in substance such as was proposed and prayed for by the Hartford Convention, in December, 1814, composed of Delegates from most of the New England States. One of the measures they recommended was, that Congress should permit for the Governor of each State to employ the militia for its own defence, thus rendering unnecessary a large regular army, unless foreign conquest was intended ; and a reimbursement be made by Congress, after the war was over, to each State, according to its expenses so incurred. And this was the principal measure adopted or recommended by that Convention ; except remonstrating against both the necessity and propriety of the war.

The portion of the United States army in the south, under command of Major General Andrew Jackson, with a large body of the militia, made a successful stand against the British, who made an attack on New Orleans, in January, 1815. The British forces were estimated at 20,000. The American troops, under General Jackson, were far less numerous ; and a full moiety of them were militia. He arranged the troops and laid his plans with great judgment, and met the enemy, soon after they landed, in a situation of great disadvantage to the British, and highly favorable to the Americans. The United States forces were completely victorious over the British ; and the latter lost a large portion of their troops, in killed, wounded, and taken. The battle of New Orleans was one of the most brilliant affairs, where the land forces were concerned, which occurred during the war.

A bill was before Congress several weeks in November and December, of this session, for authorizing the President, on a refusal of the Governor of any State to call out the militia when requested, to order subordinate militia officers immediately to march their men as might be directed by

It is evident that the framers of the federal compact intended carefully to guard the rights and liberties of the people; to maintain the natural and essential distinction between the militia and regular troops, and to give authority to the national rulers over the militia *only* for purposes of defence in cases of sudden invasion. And the people, and

this cannot be said of the State governments. It is fair to infer what they meant to reserve in one case, by what they refused to give in another. That the people and the States did not intend to give Congress power, to compel the citizens by force, or their children, to enter the regular army, destined for foreign conquest, under United States officers, is clearly to be inferred from their refusing to place the militia under United States officers, when forced into the service in the case of invasion.

When the Constitution was formed and adopted, a jealousy of the military power, and a caution as to what they should part with, were predominant feelings in the people of all the States. A consolidated military government was the object of fearful apprehension. The State governments had been tried; and a more general confidence was placed in them than in that of the United States. The blessings of civil liberty were thought more secure, without giving to the federal government an unlimited power of the sword. And had the people of Massachusetts been told, that Congress would have power to raise regular armies, by the new Constitution, against the opinion of their State legislature, for foreign conquest, or any other purpose, and their sons or themselves thrust into the ranks under command of United States officers, and be subject to martial law, and the discipline and severity of a camp, they would have given it no consideration, but rejected it at once. They would have said, as the people of Virginia did, on a less warrantable occasion, "we will secede from the Union, and be under the protection and government of a hundred thousand free and independent citizens."

The following paragraph is from a report, made by another distinguished statesman of Massachusetts, (Mr. Otis,) on this difficult subject.—"The authority of the national government over the militia, is derived from the clauses in the Constitution, which give power to Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions." Also "to provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." Again, "the President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, *when called into the actual service* of the United States." In these specified cases *only* has the nation power over the militia. And it follows conclusively, that, for all general and ordinary purposes, this power belongs to the States respectively; and to them alone. It is perceived not only with astonishment, but regret, that, under color of an authority conferred with such plain and precise limitations, a power is arrogated by the federal executive, and in some cases sanctioned by Congress, of a control over the militia, which if conceded, will render nugatory the rightful authority of the individual States over that class of men; and, by placing at the disposal of the national government, the lives and services of the great body of the people, enable it at pleasure to destroy their liberties and erect a military despotism on its ruins. It will not be denied, that by the terms used in the federal compact, the power of the general government to call out the militia, is expressly limited to *three* cases. One of these must exist as a condition precedent to the exercise

their State representatives for them, have a right to insist, that the power be exercised *only* in the exigencies specified. Had not an attempt been made to call out and to command the militia in circumstances, other than those plainly within the meaning of the Constitution, no dispute probably would have arisen on the subject; and the citizens would have been promptly called out by the Governors of the several States, on the requisition of the federal executive, to defend the country against an invading foe.

There is a disposition in all governments to accumulate power, and not infrequently to assume that which is not granted. And the great consideration, which shows the importance of contending for the just rights of the separate States, and therefore, for the rights of people thereof, is the unfavorable effect which would follow the abandonment of them. The power granted to the federal government is not to be opposed nor resumed; and no friend of the Union of the States can wish to lessen it. It was granted for great national and general purposes, by the people, or their immediate representatives. But it is highly important to remember, that it is a delegated power; and that what is not expressly or clearly vested in the federal government by the Constitution, remains with the States, or the people of the States respectively.

A consolidation of all political power in the federal government, as has been sometimes urged, and perhaps assumed, or a great increase of it, so as to leave little authority to the individual States, would serve to lessen the

of that power. Unless the laws shall be opposed, or an insurrection exist, or an invasion made, neither the President nor Congress has any power whatever over the militia. And, if the declaration of the President be admitted as an unerring test of the existence of these cases, this important power would depend, not on the truth of the fact, but on executive infallibility: and the limitation of the power would be nothing more than merely nominal, as it might always be eluded. It follows, therefore, that the decision of the President, in this particular, cannot be conclusive. It is as much *the duty of the State governments to watch over the rights reserved, as of the United States to exercise the powers which are delegated.*"

In 1798, when Georgia was exposed to an attack from the Indians, the governor applied to the President of the United States for aid—who authorized him to call out the militia for the defence of the State. He was cautioned against all offensive measures; and informed, that in case of invasion, or imminent danger of it, to call out the militia, who in such case would be remunerated by the general government. He was also told, that he was to judge of the degree of danger and of its duration—and that the men were to be called out in *conformity to the militia laws*. The Governor of South Carolina was at that time requested by the President, if Georgia were invaded and needed aid, to grant it, by marching the militia of his State, as *he himself might judge necessary, and the case require assistance.*"



liberties of the people in the end, and gradually tend to an encroachment on their civil and social rights. The executive of the Union, which was early supposed not sufficiently powerful, has sometimes manifested a disposition to extend its authority. Its discretion has been claimed to be the only limit of its powers. And the citizens, who are seeking for the smiles and favor of the Chief Magistrate, have been ready and forward, to support such a dangerous doctrine. The certain, though gradual effect of the concentration of all the political power of the nation in the federal government, would be the multiplication of its agents and officers, and the comparative increase and superiority of their influence. Not being immediately dependent on their fellow-citizens, over whom they have authority, they will not be desirous to secure their good opinion, nor to consult for their best interests. They will often be strangers, and in all cases will lose that identity with the people, which it is essential to cherish in a republican government, founded by the people themselves, and for their good.

It is in the distant provinces of a great empire or nation, and under the authority of subordinate officers, that oppression, in its worst forms, is found to exist. And a very extensive republic will not long preserve the liberties of the people, unless divided into small districts or States; in which the citizens reserve and possess a large portion of power for self-government. The government may, indeed, be powerful; but the people will enjoy less freedom. So it was in the Roman provinces; and so it was in the English colonies of North America before the Revolution of 1775. There was far more security and liberty for the subject in Great Britain, before that event, than in some of the colonies. For the preservation of the rights and the liberties of the people in the United States, it is important that the assumption of power by the general government be vigilantly watched and guarded against; and the authority of the individual States, not clearly granted, be strenuously maintained. Except in certain enumerated instances and respects, the separate States are sovereign and independent governments; representative, elective, republican. As long as they so remain, the people have the best security for personal freedom, and for the enjoyment of their social rights. But whenever the States lose their individuality, or are known only by territorial limits, and all power is assumed and exercised by the general government, whether given or not by the Constitution of the United States, then

it may be safely predicted, that their liberties will not long remain.

*Obsta principiis*, is a sound maxim in political affairs. When princes and rulers usurp power not granted them by their constituents, and the people acquiesce in the exercise of it, they are unfaithful to their posterity, and may be justly chargeable with indifference to their own freedom. The assumption of undelegated power is to be resisted at once by remonstrances, and a manly assertion of the people's rights. A single act of tyranny or despotism, if not disapproved, will be urged as a precedent for other and more dangerous acts of usurpation.

The militia, as citizens, have sacred and inviolable rights. And no executive officer of a State, or of the nation, has authority over them, to make soldiers of them against their will, except where the Constitution, which is the rule the people have themselves made, as well for their public agents as for themselves, allows and provides. The federal Constitution has provided for calling out the militia in certain cases, and under certain circumstances; but even in these cases, there are some restrictions or qualifications of the power; in other, and the usual conditions of the country, the authority to govern, direct, and call forth the militia, remain with the respective States; which may be justly said to possess more of a directly parental character towards the people, than the national government.

A treaty of peace between the United States and Great Britain, was concluded December 24th, 1814; and the intelligence was received at Washington early in the month of February following. It was the occasion of sincere and universal rejoicing. So expensive had the war proved, and so little prospect was there of securing any thing of real benefit, or of obtaining the admission of claims insisted on, when and before it was declared, that the administration received the report of peace with great satisfaction; and the same considerations made it extremely welcome to the people. To the administration it was an inexpressible relief; for difficulties and embarrassments had been long gathering and thickening around it. And the people at large, having no feeling as to the consistency or honor of the war policy, were happy to learn the restoration of peace, the revival of commercial enterprise, and the prospect of a diminution of taxes in future. On the subject of impressments, the treaty was silent; and commercial regulations between England and America were referred to negotiations proposed to be resumed at an early day.

The principal articles of the treaty were for restoring all territory and possessions taken by either party from the other during the war, except some small islands, of little value or importance, in or near the bay of Passamaquoddy—for the release of all prisoners of war, taken on either side, by land or sea—for ascertaining what islands had previously belonged to either contracting party, according to the understanding of the treaty of 1783—for running and establishing the boundary line on the east or northeast, and the north and northwest parts of Massachusetts, (now Maine,) which divides the United States from the British provinces of New Brunswick and Canada—for preventing farther hostilities with the Indian tribes, and restoring to them the possessions and territories which they before held—for using the best endeavors of both nations to put an entire end to the slave trade, “so irreconcilable with the principles of humanity and justice.”

The public debt, which had been gradually reduced from an early period after the organization of the federal government, was necessarily much increased during the war of 1812—1815. A short time before the intelligence of peace arrived, Congress had ordered a direct tax of six millions, to be assessed annually, while the war continued; but in March, 1816, the act was so far modified, as to require a tax of only half the amount, for that year. The amount received into the national treasury, from the sale of public lands, was very great in 1816; and so continued for several years; and the duties on imported goods, after the return of peace, amounted to a large sum. The public expenses for 1815, were estimated at \$39,580,000 and the receipts into the treasury, to nearly \$51,000,000; of which \$35,260,000 were derived from loans and treasury notes. In 1816, the expenditures were \$48,250,000, and the receipts were \$57,170,000. The increase of the public debt, arising from the expenses of the war, amounted to \$62,000,000, during the two first years; and for the last year, almost an equal sum. When the war began, the national debt was nearly extinguished; but when peace was made, in 1815, it had increased to upwards of one hundred and twenty millions. The military peace establishment was fixed at ten thousand men; which was a larger number than many members of Congress deemed necessary. And an appropriation of 200,000 dollars was made, for procuring materials for increasing the navy of the United States.

The monetary concerns and the trade of the country were in a depressed state, at the close of the war; and it

required some time to reach the height of prosperity and commercial enterprise, at which it had arrived in 1807, the year before the embargo and restrictive policy began. But the active and elastic spirit, so characteristic of the people of the United States, soon awoke, and pushed them forward in the career of commercial adventure. Attention had been given also to manufactures, during the war: and it was found that these might be profitably established and supported in the United States. The first efforts of this kind were not altogether prosperous; and in some instances, the undertakings failed of giving the profits expected. But after repeated trials, and with more experience, the manufacturing establishments generally succeeded, and added greatly to the business and wealth of the nation.

As had been proposed by the British and American commissioners, who signed the treaty of peace at Ghent, December, 1814, a Convention was held in London early in 1815, to form a commercial treaty between the two governments. The American commissioners were Messrs. Adams, Gallatin, and Clay; and a treaty was prepared by them and three commissioners on the part of Great Britain, in July, which was soon after ratified by both the contracting parties, to continue for four years. This convention was strictly and almost exclusively of a commercial character; the subject of impressments and of blockades not being noticed by it. And it purported to place the commercial intercourse between the two countries on a perfect reciprocity.\* As to discriminating duties on vessels and importations, such as had been long in force, there was an entire and mutual abrogation. In times of peace, this stipulation and agreement would operate favorably to the United States, and was therefore entirely satisfactory; except as to trade with the British colonies, which was so left by the commissioners, as to give occasion for disputes afterwards. Questions relating to maritime law was not settled, nor scarcely discussed. The trade of the United States to, and with the British possessions in the East Indies, was stipulated to be on the footing it was placed by the treaty of 1794. And there was an article prohibiting, to the British, trade with the Indian tribes within the territory of the

\* In the opinion of most men, well acquainted with the subject of commerce and navigation, the terms of this Convention were not more favorable to the maritime rights and interests of the United States, than those of the treaty made in 1794, by Mr. Jay; or that signed by the American Envoys (Monroe and Pinckney) in 1807, which was rejected by President Jefferson, without submitting to the Senate.

United States; and to the citizens of the latter, the trade with those tribes in the British territories in America.

After the treaty of peace was signed, but before it was ratified, or extensively known, and early in 1815, the public ships of the United States had encounters with British ships of war, and were generally victorious. The frigate *Constitution*, under command of Captain Stewart, had an engagement with two British armed vessels, one of thirty-four guns, and one of twenty-two, and captured both of them at the same time. But the frigate *President* was taken about this time; having fallen in with several large British men-of-war, in company, from which she was unable to escape.

The commercial enterprise of the United States pursued to ports in the Mediterranean, was still occasionally interrupted, and subject to depredations by Algerine cruisers. The Dey of Algiers had, indeed, renewed a predatory warfare against the United States; and it became necessary to afford protection to American vessels. On the recommendation of the President, in March, 1815, Congress passed an act for equipping and employing such force as the President should judge requisite, "For protecting the commerce and seamen of the United States, on the Atlantic, and in the Mediterranean." Algerine cruisers taken, were to be deemed lawful prizes; and merchant vessels were also authorized to be armed in self-defence. A treaty had been made before with that power; and it had felt the severity of American bravery; but like the savage tribes of Indians, it paid little regard to treaties, when there was a prospect of gain by attacking the vessels of other nations. The energetic measures of Congress led the Dey, soon after, to make a treaty with the United States. The appearance of a formidable American fleet on his coast convinced him that his interests required peace; and he relinquished all pretensions to tribute for the future. Captain Bainbridge and Captain Decatur distinguished themselves on this occasion.

An act was passed in March, 1815, by which the federal government gave authority to *State* courts to sustain and decide on complaints and suits for taxes, duties, &c., imposed by Congress, similar to the power of the federal district courts for these purposes. The national legislature could not justly claim authority to require this duty of any State Court; and it only authorized such Courts to perform this service for the public convenience, as there might be some delay in the District Federal Courts from the numerous cases which arose. And the State Courts in these cases

were no farther under control of the federal government, than to decide according to the laws of the United States relating to this subject. A law of Congress, of a similar character, and founded on the same principle, authorizes a Justice of the Peace, or Justice of a State County Court, to issue a warrant and to decide in cases of sailors deserting a vessel after engaging to go to sea, and to proceed to imprisonment, or to order the delivery of such seamen, on neglect of his duty. And allows also of an examination of seamen, charged with a mutiny, or an attempt to excite a revolt; and of binding over or committing them for trial before the District or Circuit Federal Courts. This process is found to be for the furtherance of justice, especially in a federal judicial district of extensive territory; and there is no assumption of power by Congress in this procedure.

At the first session of the fourteenth Congress, which began December, 1815, an act was passed for paying off the national debt, which at that period was one hundred and twenty millions of dollars, by annual instalments of ten millions. The bill for this purpose was proposed by an eminent financier of South Carolina, (Mr. Lowndes,) who was some time the chairman of the Committee of Ways and Means, in the House of Representatives. But the public expenses being much less, as peace was restored, there was a reduction of most of the taxes and duties, from the amount required during the three years of war. The additional duty of postage, required in 1814, was abolished, as was that on domestic manufactures, on gold, silver, and articles of jewelry; and on spirits distilled within the United States, the former duties were abolished or reduced. The direct tax was ordered to be three millions of dollars, in lieu of six millions, required by a former law of Congress. The additional duties which had been previously imposed on bank notes, and refined sugars, on salt, and on all goods, wares, and merchandise, imported from foreign countries, were also continued in force. The pay of Custom-house officers was raised fifty per cent. and the members of Congress were granted a salary of fifteen hundred dollars a year, in lieu of the allowance per diem, as formerly established; but this law was repealed at the next session.

In April, 1816, a bank was incorporated by Congress, with thirty-five millions capital, to continue for twenty years. Many of the political friends of the administration were opposed to the law, as they deemed it not within the constitutional power of Congress. The President had objected to a United States Bank, a short time before, from the same

consideration ; but his objections were now removed ; or he was satisfied of its utility to the government, and to the commercial part of the nation ; and he might have considered the establishment of such an institution in 1791, a sufficient precedent. The act of incorporation provided, that the federal government should be a proprietor in the Bank, to the amount of seven millions of dollars ; that a *bonus* of one and a half millions be allowed the United States for the charter, to be paid in two, three, and four years ; and that no other Banking company should be authorized by Congress. It was also provided by the act of incorporation, that the board of directors should consist of twenty-five members ; five of whom were to be appointed by the President and Senate ; that the books and records of the Directors should be subject to examination by a committee of Congress, or of the President ; and, if found to have violated the charter, to order *scire facias* to require the Directors to show cause why it should not be declared forfeited. The Bank proved to be a great accommodation to the government, deeply in debt as it then was ; as well as a facility to the trading part of the community, in their monetary transactions.

Several laws were passed by Congress at the fourteenth session, in favor of the settlers on lands of the United States, of which there had been no specific sales. There were then great numbers who had sat down on the public lands, without purchase or legal authority. The law was intended to quiet the actual settlers on such vacant lands, on payment of a moderate sum, and causing a registry thereof in the proper offices provided for that purpose.

Owing to the interference by the arbitrary decrees and orders of the two great belligerent nations of Europe, with the commerce of the United States, to a long embargo, and to non-importation and non-intercourse laws of the federal government, and to the war from 1812 to 1815, declared by Congress, the growing prosperity of the country was greatly impeded. The exports were far less, and the trade consequently less ; and much property taken and confiscated by the belligerent powers whose vessels covered the ocean. In the years 1808—1812, the exports, domestic and foreign, were two hundred and forty-one millions of dollars. In 1813—1814, in time of the war, they amounted to little more than thirty-four millions. Of the first amount of exports, eighty-two millions and a half were articles of foreign growth or produce, and the rest domestic ; of the latter, for 1813 and 1814, the foreign articles exported amounted to

three millions; and the domestic, to thirty-one millions eight hundred thousand. The greater part of the exports of domestic growth consisted of grain and rice, and was shipped to Spain and Portugal. Nearly twenty millions value in flour, wheat, and rice, were carried to those countries from the United States in 1813, though war then existed between America and Great Britain.

The message of the President to Congress, at the opening of the session in December, 1815, gave a full *expose* of the state of the nation, as to its relations with foreign governments, to the public debt and finances, to domestic manufactures, to the navy and other means of defence, and to a national currency. It was generally approved as an able state paper, and politically correct in its views, with the exception taken to it by those who considered the war unjustifiable, in that it spoke of that measure "as necessary to the honor and interest of the United States, and to the asserting of our national rights and independence."

The President referred to the termination of the war, which the Dey of Algiers had carried on against the United States, in which the interests of navigation had greatly suffered—to the Convention on the subject of commerce, then recently concluded with Great Britain—to the state of the Indian tribes, and the importance of maintaining peace with them, and of rendering them strict justice in all our transactions. He also recommended due encouragement for domestic manufactures; and the regulation of the currency of the United States by legal and specific acts of Congress. It was suggested that a national bank might be useful for this purpose;\* or that State banks might be used for the same object; and that for an immediate support of the public credit, the issue of treasury notes might be necessary. The President also expressed himself in favor of a military academy; and of a national seminary of learning to be located in the District of Columbia. On the subject of domestic manufactures, he observed, that in adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures would present itself for consideration. "However wise the theory may be, which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides, the condition, which the theory implies, of a reciprocal adoption by other nations, experience teaches, that so many circum-

\* During the session a national bank was established, as mentioned before.



stances may occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in other respects even peculiarly fitted for carrying them on with success. Under circumstances, giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief, that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competition from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for public defence, or connected with the primary wants of individuals."

The suggestion of fostering domestic manufactures by the federal government, for the prosperity of the country, was evidently dictated by patriotic views, as well as a correct estimate of national resources, and the means of future national wealth. A similar opinion was given, at an early period of the federal government, by the Secretary of the Treasury, (Hamilton,) in a very elaborate and able report, made according to the directions of Congress. He proposed, that, in fixing the duties on goods and articles imported into the United States, for the purpose of revenue, a regard should be had, as far as judicious and proper, in the state of the country, to the extension of home manufactures of various kinds, as being favorable to internal improvements, to real independence, and to general prosperity. In the time of the war of 1812—1815, experiments were made, in most cases from necessity, for the manufacture of woollen and cotton cloths; and that of hats, shoes, and boots, was much extended, in various parts of the country. The former being new, and not well understood, was pursued with little profit; and good policy dictated that the patronage of the general government should be given to all proper attempts in this branch of industry. In revising the tariff of imposts, in 1816, reference was had to this great national concern, and twenty-five per cent. *ad valorem* was then fixed as a duty on cotton and woollen goods imported from foreign nations; which was higher than the duty on most other imported articles. And yet the policy of protecting these goods, so as to pre-

vent an increase of foreign manufacture, seems not intended by government to be permanent; for after three years the duty was to be lessened. The manufacture of cotton and woollen cloths was pursued chiefly in the northeastern States, and a reluctance was manifested, by members of Congress from the south, for imposing the protecting duties, as the benefit would be less to them than to the people in the northern and eastern parts of the Union. But the benefit of the extensive cotton manufactures in the United States has been very great, by lessening the price of cotton cloths, and by affording a greater market for the growers of cotton in the southern section of the Union. The great demand and consumption of the article in the manufacturing districts of the United States, serve also to keep up its price in Europe.

In the opinion of some eminent politicians, the message of the President to the national legislature, already referred to, expressed views more favorable to the prosperity of the country, than his policy had before been; and several of his political friends declared themselves in favor of measures, similar to those adopted in the early period of the federal government. A member from South Carolina, and an ardent supporter of the administration, (Mr. Calhoun,) on the subject of reducing the national taxes, said, "this was a question of momentous consideration. On the decision of this question depends the question, whether a *liberal and enlightened* policy should characterize the measures of the government. We ought, therefore, to proceed with caution. If gentlemen were of opinion that our navy ought not to be gradually improved; that *preparation* ought not to be made during peace, for preventing or meeting war; that *internal improvements* should not be prosecuted; if such were their sentiments, they were right in a desire to abolish taxes: but if they thought otherwise, it was preposterous to say that we should not lay taxes on the people. We ought not to give in to the contracted idea, that taxes were so much money taken from the people: properly applied, the money proceeding from taxes, was money put out to the *best possible interest for the people*. He wished to see the nation free from external danger and internal difficulty. With such views, he could not see the expediency of abolishing the system of finance, established with so much care and difficulty. The broad question now before the House was, whether the government should act on an *enlarged policy*; whether it would avail itself of the experience of the last war; whether it would derive *wisdom*

from the mass of knowledge already acquired from past events, or whether we should go on in the *old imbecile* mode; contributing, by our measures, nothing to the honor, or reputation, or prosperity of the country. Such would not be his course. He thought it due to the national councils—to the security of the country—that we should be well prepared against assaults from abroad. If danger comes, we shall then be ready to meet it. If it never comes, we shall derive consolation from a knowledge of our security. He wished gentlemen might have an opportunity to express their opinions on this subject, and to decide whether we were to travel *downward*, or to raise the nation to that elevation to which we ought to aspire.”

These views were not directly impugned, but some members did not give to them their sanction, because they were desirous of relieving their constituents from the burden of taxes, of which they had several years loudly complained. And a few were not liberal enough to appropriate the public money, except in cases of absolute necessity. Afterwards, and at different periods, it became a question of great interest, how far appropriations could justly be made by the federal government for internal improvements, as well as how far the doctrine of fostering domestic manufactures, which almost necessarily operated unequally in different sections of the Union, could be extended, under the authority of the Constitution.

The conviction appeared general of the benefits to be derived to the nation from an increase of the manufacture of cotton and woollen goods, but there was a great diversity of opinion, at that time and at subsequent periods, in adjusting the details of a law for the purpose of giving the direct encouragement of government to them. A high duty on imported goods would necessarily increase their price to the purchasers in the United States; who, it was said, would be thus taxed for the benefit of the manufacturers. And the latter insisted on a high tariff for imported goods as requisite, to enable them to compete with foreign manufacturers; especially while the business in the United States was in its infancy, and needed the aid of government, till it had greater maturity and more ability.

In preparing an Act to give effect to the Convention for regulating commerce with England, then recently formed and ratified, the Representatives and the Senate differed materially in their views. It was long a subject of interesting debate. The House of Representatives was compelled at last to yield to the views and opinions of the Senate on the

subject; and adopted the bill introduced into that branch, and withdrew that which they first passed. The House undertook to amend or alter the terms of the Convention; or, at least, to give a construction to it, which was obviously not intended by the commissioners who signed it, and which would not have been admitted by the British government. The treaty provided for the same duties on tonnage and articles carried from the ports of the United States to those of Great Britain; and *vice versa*. The bill introduced into the House, and there adopted by the majority, made a distinction in cases of coming from ports in England, or from ports in the British islands and provinces; and insisted, that this was requisite to render the terms of the treaty equal in their operation on the commerce of the two countries, and for establishing a real reciprocity of privileges or benefits. A large minority in the House objected to this as incorrect; as it was assuming a power, in that branch of the government, to judge of the advantages of a treaty, which was the exclusive prerogative of the President and Senate. The advocates for the bill in the House, pretended that it was only giving a construction to the terms of the Convention. But this was not a valid argument; for it was the sole province of the Judiciary to interpret a treaty after its ratification by the proper constitutional authority. A similar question arose in 1795, in the passage of a law of Congress for making the necessary appropriations to carry into effect the treaty made with England, in 1794. The Act which was adopted March 1st, 1816, relating to the Convention with Great Britain, of July, 1815, declared "null and void any law of Congress which imposed a higher duty of tonnage or of impost, on vessels, and articles imported in vessels of Great Britain, than on vessels, and articles imported in vessels of the United States, contrary to the provisions of the Convention between the United States and his Britannic Majesty; the ratifications of which were mutually exchanged in December, 1815."

In 1816, a dispute again arose with Spain, respecting the right to West Florida. The Spanish minister was instructed to remonstrate against the occupancy and claims of that territory by the government of the United States. The latter claimed it as a part of Louisiana; and five years before had taken possession of some parts of it, but withdrew its troops on the united remonstrance of Spain and France. The American government never gave up its claim, and had again occupied a portion of the territory by

an armed force. This occupancy the Spanish minister now insisted should be no longer held, until negotiations could be had, and the question fairly settled, as to the justice of the claim. The Envoy of his Catholic Majesty, at the same time, urged upon the government of the United States, the propriety and justice of preventing the military expeditions fitting out within its jurisdiction, and on the Mississippi, against Mexico; which was then in a state of revolt or rebellion,—as the Envoy characterized it,—against the king of Spain. And he also demanded, that no intercourse should be allowed between the United States and the revolted province.

In replying to this statement and demand of the Spanish minister, the American Secretary of State referred to several instances of alleged injury, on the part of Spain, to the United States, and to a delay of indemnification for former depredations on American commerce, which had been promised to be made. He did not directly impugn the claim of the Spanish monarch to Florida; but undertook to show that as it was now separated from his Mexican territory, it was of little advantage to that nation; and that an exchange of it might be made with the United States, for a tract on the west of the Mississippi, belonging to the latter, since the purchase of Louisiana, and bordering on Texas, then considered a part of Mexico. The Secretary did however, state that a part of West Florida was supposed to be within the territory ceded to the United States, by the general name of Louisiana; such being the extent of the country in 1763, when it was relinquished by France: and that negotiations might proceed, as well while it was possessed by the United States, as by Spain. He denied that any armed force was forming within the United States against Mexico, with the knowledge of the government; and said that if any should appear it would be discountenanced and prevented. That vessels might be admitted into the ports of the United States, for purposes of trade, coming from places in Mexico, pretended by the Spanish Envoy to be in a state of revolt from the authority of the parent government in Europe, he did not deny; and added, that it was not the policy of the federal government to interfere in the disputes between the parent country and their American provinces; nor to exclude the flag of any neutral nation, engaged in commercial enterprise.

This correspondence led to no immediate important result. The Spanish minister still complained of the conduct of the American government; and his chief object appeared

to be a delay, or evasion of the real subjects in controversy. It also appeared that he had not full powers to decide the questions which had long been in dispute between the two governments. The subject was discussed again, and more fully, some two years afterwards—when Mr. Monroe was President; and the negotiation was ably conducted by Mr. Adams, Secretary of State. Soon after, Spain ceded the provinces of East and West Florida to the United States: And the federal government became obliged and responsible to its own citizens, who had claims on the Spanish king for various commercial depredations; to the amount of five millions of dollars; which might be considered, in some sense, as the purchase money for the territory.

The negotiations with Spain in 1816 and in 1818, had reference also to the western bounds of Louisiana. The American administration first claimed as far as the Red river; but the Spanish Envoy was instructed not to consent that Louisiana should extend farther west than the river Sabine. And it was accordingly so finally settled. It was also agreed, at the same time, that the United States should extend from a point in latitude 42° north, to the Columbia river, and to the Pacific ocean, so far as Spain was concerned. It was intended by Spain to limit the western part of the United States by the Rocky mountains; but the federal administration urged the extension to the Pacific; and it was so stipulated.

The financial and monetary concerns of the United States received the particular attention of Congress at this session. Besides the establishment of a national bank, which was a very important measure, in relation to the finances and the currency of the nation,—the bank, now incorporated, being far more secure and perfect than the bill of 1815 had proposed,—an act was passed for regulating and fixing the value of foreign coin, especially those of Great Britain, France, Spain, and Portugal, which were chiefly then circulating in the United States. These coins were also made a tender, at certain rates, as specified in the law. Propositions were also made in Congress, at this time, for regulating State banks, in some respects; and a prohibition to receivers of public federal duties and taxes, to take the bills of banks which did not redeem them in specie. Indeed, the question arose, whether the currency of the country, including the bills of State banks, was not subject to the regulation and control of Congress, according to the intent of the Constitution. The literal and obvious meaning of that national compact, it was

contended, gave the whole direction of the currency, and bills of credit, to the federal government. But State banks were then numerous; some had been in operation twenty years; their convenience had been fully proved; and to put them all down, or to restrain them materially, would probably cause great embarrassment and suffering. Yet it was generally admitted that Congress had a right so far to interfere, as to decide whether the national taxes should be received in the bills of State banks, or in any other medium than specie, or its own notes, issued by its orders from the national treasury. The establishment of a national bank, with branches in all the large and populous States of the Union, was found to answer the purposes of a general circulating medium, and the State banks were left without any regulation by Congress, except so far as to forbid public officers receiving the bills of such banks as did not pay specie. On this subject a resolve of Congress was adopted, directing "the Secretary of the Treasury to receive for debts and taxes, due the federal government, only gold and silver, treasury notes, bills of the bank of the United States, and of banks which paid their notes on demand, and in specie." The Secretary gave public notice of this resolution, and he also urged on all banking companies to redeem their *small* notes by specie, as an accommodation to individuals, as well as for their own credit. The Secretary was also directed not to make deposits of the public funds in State banks, which did not redeem their notes in specie, after February, 1817.\* There was a strong disposition manifested by Congress, at this period, for increasing the amount of specie, as a circulating medium; and yet not to require it as the only one. It was perceived that it would not be practicable, nor for the public convenience, indeed, to exclude paper from circulation, and to insist on all payments in gold and silver.

The leading policy and views of Congress, as well as of the President, were developed in his address to the federal legislature, in December, 1816; the last he presented, containing his opinion of public national measures, as he retired from office at the close of the session. The political views of the President were generally, though not always, ap-

\* The banks in Massachusetts, and in most of the New England States, paid their bills in specie at that time; but those in the Middle and Southern States did not. In August, 1816, a Committee of Banks, in the Middle States, met in Philadelphia, and recommended that specie payments be postponed till July, 1817.

proved and sanctioned by the majority of Congress. The policy he recommended, after the war, was in some respects different from that he had previously urged. Domestic manufactures were referred to, as meriting the patronage and aid of government, and the regulation of the tariff on imported articles, so as to have a favorable effect in securing that object. The necessity of public credit was prominently noticed; and a recommendation to provide for the payment of debts due the government, either in specie, or in notes of Banks which promptly redeemed their paper in gold and silver. "There is only wanted to the fiscal prosperity of the government, (he said,) the restoration of an uniform medium of exchange. The local accumulations of the revenue have enabled the treasury to meet the public engagements in the local currency of most of the States.— But, for the interests of the whole community, as well as for the purposes of the treasury, it is essential that the nation should possess a currency of equal value, credit and use, wherever it may circulate. *The Constitution has entrusted Congress, exclusively, with the power of creating and regulating a currency of that description; and the measures which were taken at the last session, in execution of this power, give every promise of success. The Bank of the United States has been organized under the most favorable auspices, and cannot fail to be an important auxiliary to those measures.*"\*

The President referred, in this message, to the depressed state of the navigation of the United States; arising from some of the stipulations and articles in the commercial convention, then recently formed between the American and British governments, and particularly to the trade with the colonial ports of Great Britain. The convention expressly regulated the trade, between the ports of the United States and those of Great Britain, in Europe; and it was considered on fair and reciprocal principles; but it had omitted to include or adopt any article relating to the trade between the United States and British colonial ports: So that the commercial intercourse between these was subject to the regulations of the British government, and was in fact monopolized by British merchants, to the indirect injury of the United States. This defect was early perceived, and an

\* The leading members in Congress, who had been in the opposition during the war, and for some years before, having disapproved of embargoes, non-importations, and non-intercourse, fully approved and supported the measure of a national bank, and of providing for receiving the public dues in specie, or the bills of banks which paid specie.



attempt was made, in the House of Representatives, to remedy the evil, by having an alteration in the convention, so as to open the British colonial ports to vessels of the United States, as has been before stated—but it was deemed improper for the House of Representatives to interfere with the articles of the convention, as it had been confirmed by the President and Senate. It was also proposed in the House, early in the present year, (1816,) to remedy the evil, by laying higher duties on the tonnage of vessels and imports from the British colonial ports, than on those coming direct from British ports in Europe. But the proposition did not then meet the approbation of Congress. Efforts, however, were soon after made by the American administration, to negotiate on the subject; but the British government declined all discussion respecting it; yet evidently admitting, that discriminating or countervailing measures, adopted by the American government, would not necessarily be construed as indicating any hostile spirit towards that nation. Early in the session of December, 1816, Congress passed an act imposing additional duties on British vessels and imports from the colonial ports, from which American vessels were excluded by the convention; but not affecting at all the regulations of the commercial intercourse with the ports in Great Britain, as contained in the treaty.

The message gave Congress information of an attack recently made in the Gulf of Mexico, on a public armed vessel of the United States, sanctioned, as was then believed, by the Spanish government; and that a frigate and a smaller vessel of war had been ordered to proceed to the Gulf, for the protection of the vessels and commerce of the United States. But assurances had been given by the Spanish minister, that no orders of his government had been issued, authorizing such attack, nor any other act of a hostile character. It was also stated in this public address of the President to Congress, that friendly relations were maintained with the Indian tribes within the territory of the United States; and that continued efforts would be made to preserve this pacific course of policy towards them. A new organization of the militia was recommended, in order to render that great arm of national defence more efficient, and as being within the constitutional right and duty of the federal government. The establishment of a national university, by Congress, in the District of Columbia, was again recommended.\* And a suggestion made of the importance of an

\* This subject was committed and a report made in favor of such an institution; but did not receive the sanction of the majority of Congress.

adequate provision for the uniformity of weights and measures; which the Constitution had placed in the hands of the national government. Subsequently Congress passed a law for this purpose; and an elaborate report was made on the subject by the Secretary of State, (Mr. Adams.)

The national debt was large, at this time; but the President gave notice of the prosperous condition of the finances of the government: by which it appeared, that the public expenses would be fully provided for, with a surplus of nearly ten millions for reducing the debt which had accrued during the war.

The acts of Congress passed at this session, will show how far the recommendations of the President were approved and adopted by the legislative branch of the government. A law was enacted, authorizing the Secretary of the navy, under direction of the President, to cause a survey of the public lands which produced live oak and red cedar,—with a view to their reservation, for increasing the navy at any future period. On the subject of navigation, it enacted, that no goods or merchandise should be imported into the United States from a foreign port, except in vessels of the United States, or in such foreign vessels as truly belonged to the subjects of the country, of which the goods were the product or manufacture: That fifty cents per ton be imposed on vessels of the United States arriving from a foreign port, unless the officers and two thirds of the crew were citizens of the United States; and a similar regulation was to apply to fishing vessels: That a duty of fifty cents a ton, be laid on American vessels entering in a district in one State from a district in another State, except the States were adjoining each other; with a provision in favor of such vessels as had three-fourths of their crews citizens of the United States: That a territory constituted by Congress, and having a temporary government by virtue of a previous law of the United States, should have the privilege of electing a delegate to Congress, who should have a right to take part in debate in the House of Representatives, but not to vote. An act was also passed, requiring prompt settlement of all public accounts, and providing for the appointment of five Auditors, and pointing out their separate and particular duties. At this session, a law was also enacted, for the purpose of preserving the neutral relations of the United States; which forbid, under severe penalties, American citizens engaging in any hostilities against the subjects or people of a government at peace with the United States. A marine corps was provided for, on the peace establish-

ment, to consist of eight hundred, including officers; which were to be, one Lieutenant Colonel, nine Captains, twenty-four First Lieutenants, sixteen Second Lieutenants, one Adjutant, one Paymaster, and one Quarter-master.

On the first of March, a bill was passed by both Houses of Congress, for appropriating the *bonus*, which the government was to receive of the United States Bank, to purposes of internal improvements; but was rejected by the President. The bill was supported by some leading members of Congress at that time, who afterwards doubted the constitutional right to make such appropriations. This subject was frequently discussed in Congress afterwards; a portion favoring the system with a view to national prosperity; and others opposing it, from constitutional scruples, except in cases of great and obvious general benefit, and to the execution of which no single State was disposed, or fully competent. One great objection was, the difficulty of deciding on the extent of such appropriations, after the precedent was once established.

[The following was intended as a part of the note at page 227.]

Mr. Marshall, in the Virginia Convention for adopting the federal Constitution, asked, "if gentlemen were *serious*, when they asserted, that if the State governments had power to interfere with the militia, it was by *implication merely*." He thought "that the least attention would show they were mistaken. The State governments *did not derive their powers* from the general government. But each government derived its power from the people: and each was to act according to the powers given it." He asked "if powers not given were restrained *only* by *implication*. Could any one deny, that this power was retained, since they had not given it away. Does not a power remain until it is given away? The State legislatures always had power to govern and command their militia; and have it still, undoubtedly, unless in cases *expressly* given by the Constitution to the federal government."

In 1812, Mr. Poindexter said, "he thought that we could not constitutionally employ the militia without the territory of the United States; and that no act of Congress could confer such a power on the President."

Mr. Grundy said, "if the Constitution forbids the President sending the militia out of the United States, how can Congress authorize him to do it by law? But it is said, a volunteer militia-man may authorize the President to send him out of the United States. When the power of making war and raising an army was given to Congress, the militia were retained by the States, except in the particular cases mentioned. How, then, can you permit the militia to engage in the service of the United States, contrary to the provisions of the Constitution; and by that means leave a State unprotected?" The very case, in which the executive of Massachusetts was severely censured for his conduct in 1812.

Mr. Nicholas, of Virginia, said, "Congress cannot call out the militia for any other purpose than to execute the laws, suppress insurrection, and to repel invasion." Mr. Cheeves, of South Carolina, and Mr. Clay, of Kentucky, were in favor of giving the President entire control of the militia, whenever he should consider it necessary for the public safety and benefit.

## CHAPTER X.

James Monroe, elected President. His Policy and Measures similar to Mr. Madison. A practical Statesman. Attentive to the Public Finances. Favors Economy in Public Expenses; and urges the strict accountability of the Officers and Agents of Government. Encouragement to Domestic Manufactures. Internal Improvements. Objections to Appropriations for them. Pension Law. Great number of Pensioners. Negotiations with England on Commerce. Disputes with Spain. Florida Controversy. Modification of Pension Law.

JAMES MONROE, of Virginia, entered on the duties of President, March, 1817; having been elected in the manner provided by the Constitution; and generally pursued the policy adopted by his predecessor, in the last year of his administration, and the year after the war. He was favorable to the support and increase of the navy, and recommended fortifications on the seacoast and other measures of national defence. The Secretary of War, (Mr. Calhoun,) was also decidedly in favor of these measures. Mr. Monroe had less scruples on the subject of expenditures for internal improvements, than his predecessor, who doubted that the Constitution had given such power to the federal government.

The address made by Mr. Monroe, at his inauguration as President, March, 1817, and his first message to Congress, December following, disclose in some measure the views which would guide him in administering the federal government, as well as his theory of the Union and of the separate States. "Under the federal Constitution, the States respectively are protected against foreign dangers, while they enjoy, by a wise partition of power, a just proportion of sovereignty, and are improving their police, extending their settlements, and constantly gaining strength and maturity."

He spoke of the importance of the *Union*, and of the interest of the people in every section to preserve it. "The great agricultural interests of the nation prosper under its protection; and local interests, are also fostered by it. Our fellow-citizens of the north, engaged in navigation, find great encouragement in being the carriers of the produc-

tions of other parts of the United States; while the inhabitants of these are amply recompensed, by the nursery for seamen and naval force, thus formed and reared up, for the support of our common rights.—Our manufactures find encouragement by the policy which patronizes domestic industry: and the surplus of our produce, a steady and profitable market by local wants, in less favored parts, at home.”

On the origin and nature of the federal government, he says, “the defects of the first instrument of our Union—the confederation—have been remedied, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the States, or affecting those of individuals.—Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be supposed that we should have maintained the same steady and consistent career; or been blessed with the same success? While then the constituent body retains its present sound and healthful state, every thing will be safe. The people will choose *competent* and *faithful* representatives for every department. It is only when the people are *ignorant* and *corrupt*; when they degenerate into a *populace*;\* that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin.”

He spoke in favor of measures for protection and defence against foreign powers—“many of our citizens are engaged in navigation, in commerce, and the fisheries. These interests, as we have seen, are exposed to invasion in wars between other nations; and we should disregard the faithful admonitions of experience, if we did not expect it, and guard against it. We must support our rights, or lose our character; and with it, probably, our liberties. A people who fail to do this, can scarcely be said to hold a place among independent nations.”

The attention of the general government to manufactures was strongly recommended; and the opinion expressed that a systematic and fostering care should be afforded to them. “Possessing, as we do, all the raw mate-

\* The mere populace, or rather the mob or the rabble, must here be intended. In a republic the populace are the people, and therefore the source of power. To prevent their being deceived and corrupted, must be the desire of every true patriot.

rials, the fruit of our own soil and industry," the President said, "that we ought not to depend, in the degree we have heretofore done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important too, that the capital, which nourishes our manufactures should be domestic; as its influence, in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it, to provide at home a market for our raw materials; as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets." A committee was raised in the House of Representatives to consider the expediency of providing by law for clothing the army in *domestic* manufactured goods; but although the members who expressed an opinion on the subject were in favor of the measure, no act was passed for the purpose, at that session of Congress.

Of the powers and duties of the executive relating to the public revenue and finances, the President gave his views very plainly, and very wisely; and it is only by conforming to the course he indicated, that the people's money can be safely kept or collected. "The executive is charged with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. *The legislature is the watchful guardian over the public purse. It is its duty to see that the disbursements have been honestly made.* To meet the requisite responsibility, every facility should be afforded to the executive, to enable it to *bring the public agents, entrusted with the public money, strictly and promptly to account.* If the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters; nor will the demoralizing effect be confined to them. It will evince a relaxation, and a want of tone in the administration, which will be felt by the whole community. A thorough examination should be made; and I will readily promote it."

The President also expressed a hope, that harmony in political opinions would more prevail among the people in future, and observed, he was happy to perceive indications of such a desirable event. Its future benign results were well portrayed; and an assurance given of exertions, on his part, to increase and extend it. No part of his official conduct contradicted the magnanimous spirit, which he dis-

covered; and yet his selections for public office were confined, in a great measure, to those of his peculiar political views. The President made a journey through the middle and eastern States, in the summer after his election, as Chief Magistrate of the United States; and though the majority in most of these States had opposed some of the leading measures of the administration of his predecessors, of which he had himself been a member, they united, as one man, in demonstrations of respect and courtesy towards this highest functionary of the federal government.

The visit and intercourse were favorable to the harmony he had recommended; and no one was more ready to co-operate with him in promoting this desirable object, in an honorable manner, than Governor Brooks, then Chief Magistrate of the ancient Commonwealth of Massachusetts.

As the message of the President to Congress, at the opening of the session, December, 1817, was more of a business paper than his inaugural address; relating to the existing state of the country, and to the particular measures which he deemed proper for legislative consideration, a reference to its contents will exhibit the policy of the administration,\* and present a view of public events of recent occurrence, at that period.

"The revenue was greatly augmented by an extensive and profitable commerce.—Public credit had attained an extraordinary elevation.—Preparations for defence, in case of future wars, were advancing under a well-directed system, with all reasonable dispatch.—Local jealousies were yielding to more generous and enlightened views of national policy."

A proposition had been made by the administration to the British government, for extending the principle of the Convention made in 1815, (by which the commerce between the ports of the United States and British ports in Europe had been put on a footing of equality,) to the *colonies* of Great Britain: but was declined by that government: and it was suggested to Congress to adopt regulations, for the protection and improvement of the navigation of the United States, in consequence of the refusal by the British to open their ports in their colonies, on similar terms as had been agreed, as to their ports in Europe. By an act of Congress on the subject of navigation, passed at the same

\* The members of Mr. Monroe's cabinet were among the most able political characters. J. Q. Adams was Secretary of State, Wm. H. Crawford, Secretary of the Treasury; and John C. Calhoun, Secretary of War.

session, the ports of the United States were to be closed, after September, 1818, against British vessels coming from any port in the colonies of Great Britain, which were closed against vessels belonging to citizens of the United States; and if they should enter, or attempt to enter American ports, the vessel, cargo, and furniture, were declared forfeited to the United States. The advocates of this act considered it not as a hostile measure towards Great Britain; but a necessary regulation for the due protection of American navigation.

The difficulties with Spain, on account of Florida, which had given the administration much anxiety for several years, still continuing, the subject was noticed at large, in the President's message, at this time; and it was recommended to Congress to settle the dispute, if it could be definitely done, by a purchase of the whole territory. Mexico, at this period, was in a state of commotion and revolt, and other provinces in South America were evidently on the eve of revolutions, of less or greater extent; and it became important to have all old disputes with Spain speedily settled and terminated.

The American Envoy to Spain, had been instructed, in 1815, to demand indemnity for *suspending* the right of deposit at New Orleans; for a refusal or neglect to fix the boundaries of their territory bordering on Louisiana; and for spoliations on commerce, whether made by Spanish vessels, or by the French, and condemned in their ports. In 1816, the Envoy invited negotiations on these subjects, agreeable to his instructions; but was told, the dispute would be settled at Washington. But it was found that the Spanish minister, near the American government, had not full power to settle any thing; and his object appeared to be delay. In 1818, the executive, by the Secretary of State, offered the following proposition to the Spanish minister, with a view to terminate the differences between the two governments, "A surrender or cession, by Spain, of all territory east of the Mississippi river—Colorado to be the eastern boundary—a reference to commissioners of the claims on account of spoliations—that lands in East Florida and to the river Perdido be held as a security for indemnities allowed—and Spain released from the payment of debts arising from the claims. Evasion, or postponement of the dispute, appeared still to be the object of Spain; for her minister offered nothing definite, or what was most manifestly unacceptable and unreasonable. And when in the summer of 1818, his consent was given for the cession of



Florida, as proposed by the American government, it was with the condition, that all grants of land, within the territory, by the King of Spain to individuals, were to be recognized as valid; and these grants it was found, were very extensive, and contained some of the most valuable parts of the country. The American Secretary was instructed to reply to the Spanish minister, "That these grants must be cancelled, or other indemnity provided for the citizens of the United States." After some further delay, the Spanish government engaged to cancel the private grants of land in Florida; and vexatious disputes, of upwards of twenty years continuance, were thus happily brought to a close. One cause of delay, on the part of Spain, was the revolutions in her Mexican and other American provinces, connected with an apprehension, that the government of the United States, encouraged or would favor the independence of those provinces of the parent state in Europe.

The President had then expressed a *sympathy* for the inhabitants of those provinces, in their efforts for self-government. Spanish armed vessels had, for some years before this period, committed depredations on the commerce of the United States in the Mexican seas; and though the federal executive had promptly sent out several public ships for the protection of the navigation in those seas, it was important to provide by treaty against a recurrence of such injurious practices. As a measure of provident caution, the President sent out a ship of war with three commissioners, along the southern coasts, to obtain correct information relating to the conduct of unauthorized and disorderly individuals, within the territory claimed by the United States, by the purchase of Louisiana and the cession of Florida; and particularly to attempts by these lawless persons to introduce African slaves into the United States. Such acts were alleged to have been committed at different places on the coast, from Amelia island, at the mouth of the river St. Mary, to Galveston, in the gulf of Mexico. No European government had authorized these proceedings; and it became necessary to adopt efficient measures to prevent, by force, the repetition of such proceedings.

Referring to the public revenue and expenditures, the message estimated the former at twenty-four millions and a half; and the latter at twelve millions. Ten millions had been applied to the reduction of the public debt and interest. But during the year 1817, then drawing to a close, eighteen millions of the debt had been paid. It was estimated also, that the debt incurred by the purchase of

Louisiana might be fully discharged in the two following years.\* The President urged on Congress in this message, the improvement of the militia system. It was estimated that the number of the militia exceeded eight hundred thousand; and it was recommended to arm the whole in an efficient and uniform manner. The number of regular troops in the United States service, at that time, was upwards of eight thousand.†

Further purchases of lands of the Indian tribes, it appeared, had been made; chiefly in the west and northwest; which were within the States of Ohio and Indiana, and of the territory of Michigan. These purchases had been effected on friendly terms, and the value at which they were estimated by the Indians was paid by the government; and, when desired, tracts were reserved for the exclusive use and occupancy of the natives. A large tract had then also been purchased of the Cherokee tribe, within the State of Georgia, and an arrangement made by which lands, west of the Mississippi, were to be given in exchange for all the territory claimed by that tribe, on the east of that river. The following comment was made by the President, in his message, on these purchases of the Indian tribes. "In this progress" (the extension of settlements in the west by the civilized inhabitants of the United States) "which the *rights of nature* demand, and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The *hunter* state can exist only in the vast uncultivated desert. It always yields to the more dense and compact form, and greater force, of civilized population; and of right it ought to yield; for the earth was given to mankind, to support the greatest number of which it is capable; and no tribe, or people, have a right to withhold from the wants of others more than is necessary for their own support and comfort."

These views were at once philosophical and humane. And if they were made as an apology for the policy of the government in obtaining tracts of land from the native Indians, they apply also to the measures adopted by Washington and his successors: who, while they all authorized

\* The national debt, on the first of January, 1818, amounted to nearly one hundred millions of dollars; it had been reduced about twenty millions during the two preceding years.

† The number of patents issued in 1817, for new inventions, was one hundred and seventy: an evidence of the great industry and ingenuity of the citizens of the United States; particularly of mechanics.

purchases of the Indian lands, were careful to pay a just compensation for them, and to have the free consent of the head-men of the tribes, by treaty, for the possession.

The President called the attention of Congress to the public lands, which he said were of vast extent, and rapidly rising in value. And he suggested the importance of legislation on the subject, which should prevent their monopoly by a few speculating capitalists for their own profit; and to render them most productive to the United States revenue, consistently with due accommodation to actual settlers. "The public lands," he said, "were a public stock which ought to be disposed of to the best advantage for the nation; and the nation should derive the profit proceeding from the constant rise in their value. Every encouragement should be given to emigrants, consistent with a fair competition between them; but that competition should operate, in the first sale, to the advantage of the nation, rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth, under any mode of sale which may be adopted. But, if looking forward to the rise in the value of public lands, they should amass vast bodies in their hands at low prices, the profit will accrue to them, and not to the public. They would also have the power to control the emigration and settlement, in such manner as their opinion of their own particular interests might dictate."

The subject of public roads and internal improvements was distinctly noticed in the message of the President, at this time; and, while he admitted the benefit to be derived from them, he expressed his doubts as to the constitutional power of Congress to apply the public funds to such purposes. As the subject had then recently been before Congress, and might soon again be introduced, he said he considered it his duty to notify them, that with his present views he could not approve of any act for such objects, without an additional clause in the Constitution, authorizing such appropriations. Large sums had already been expended on the Cumberland road, opening a better intercourse between the Atlantic States and those of the interior in the west; and further appropriations were then proposed to extend and to complete it.

"In case of doubtful construction,"—this is the language of the President—"especially of such vital interests, it comports with the nature and origin of our institutions, and will contribute most to preserve them, to apply to our constituents for an explicit grant of power. And I think

proper to suggest also, if this measure is adopted, that it be recommended to the States to include, in the amendment sought, a right in Congress to institute seminaries of learning for the important purpose of diffusing knowledge among our fellow-citizens throughout the United States."

The labor for completing this great public road, from the river Potomac, dividing Virginia and Maryland, to the Ohio river, was suspended for some time; but the construction was afterwards resumed, and vast sums of public money expended in rendering it fit for travel.

In this message, the President recommended the repeal of internal taxes: "The revenue," he said, "arising from impost and tonnage, and the sale of public lands, would be fully adequate to the support of civil government, of the military and naval establishments, for interest, and authorized instalments of the public debt."

Early in the session, Congress passed an act to abolish the internal duties imposed in the war of 1812—1815: these were duties on licenses to distillers, on refined sugar, licenses to retailers, sales at auction, on pleasure carriages, stamped vellum, parchment, and paper. Most of the measures recommended by the President were approved by a large majority of Congress; and there was much harmony among members of different political views. For there were still some differences of opinion; but much less of crimination or bitterness manifested in debate than had appeared for several preceding years.\*

In conformity to the suggestion of the President, a law was passed at this session of Congress, granting pensions to the surviving officers and soldiers of the revolutionary war, which included all who had served nine months in the continental army at one term of enlistment.† The law was modified, and in some measure restricted, by an act two years after, which confined the pension to those who were in *destitute* circumstances. But, with this modification, the law afforded relief to a great number, not less than thirteen thousand, who had given their personal services and hazarded their lives for the liberties of the country, in the war

\* During this session, the compensation for members of Congress was fixed at eight dollars a day; and eight dollars for every twenty miles travel; and the act of March, 1816, providing a salary of fifteen hundred dollars for each member, was repealed.

† The bill for this purpose was discussed several weeks, and was warmly opposed by several members as injudicious and extravagant; but was finally passed by large majorities in both Houses of Congress—in the Senate by three-fourths. Among the most active advocates of the bill, was Harrison, of Ohio, in the House; and King, of New York, and Otis, of Massachusetts, in the Senate.

of the Revolution. It was considered an act of great generosity, or liberality, in the government; but it was in truth no more than equity and justice, to grant such support to those who defended the country in a period of danger; and who, through the inability of government, had never before received an adequate compensation for their invaluable services.

An additional act was passed at this session of the federal legislature, on the subject of importation of slaves into the United States; which modified, in some particulars, the law of 1807 on the same subject, but did not materially change its prohibitions or penalties. And a further law was enacted, forbidding the citizens of the United States to engage in any hostile enterprise against the subjects of a government, which was on terms of peace and amity with the United States. There were some attempts at that time to introduce slaves into the country, through the ports in the extreme south; and an expedition was apprehended to be in preparation to invade the Mexican territory with hostile views.

The subject of internal improvements, at the expense of the federal government, was before Congress during this session. A committee, who had the subject under consideration, reported, "that the dividends of the United States stock, in the national bank, be appropriated to such objects; but there was a strong opposition to the measure; and after repeated debates, relating principally to the constitutionality of such appropriations, the subject was postponed to a future day. And yet a vote was taken in the House, at one stage of the bill, when there appeared a majority of fifteen in favor of appropriating the public funds for canals, and for military and post roads. The majority in both Houses of Congress on granting legislative encouragement to the domestic manufacture of cotton and woollen cloths, at this time, was very great. In the Senate, all but three, and in the House of Representatives, all but sixteen voted for a bill to *continue*, for seven years, the duty laid in 1816, on imported goods of these descriptions. The navigation act, passed at the same session of Congress, imposing additional duties on vessels coming from ports, which were interdicted to American vessels, and designed to favor the commerce of the United States, was adopted by equally large majorities in both branches of the national legislature.\*

\* This act was designed to remedy or countervail the evils of excluding American vessels from the British colonial ports, as the commercial convention with England, in 1815, had done. Mr. King of New York, explained and advocated the bill with very great ability; and to the conviction of all who heard or read his argument.

A motion was made in the House of Representatives, when in committee of the whole, by the Speaker—Mr. Clay, of Kentucky—for a mission to South America, to express the sympathy of the government of the United States, for the colonies there, which had declared their independence, with a view to enter into friendly political relations with them at a future day. The specific proposition was, to provide a support for a minister to Buenos Ayres and the provinces of La Plata, should the executive see fit to appoint one; thus previously giving an opinion in favor of such a measure. The proposition was rejected by a vote of one hundred and fifteen to forty-five. It was not the object of the mover to compromit the peace of the United States, or to authorize any connection which would necessarily produce a war with an European power. But the objections were, to moving at all in such a measure, as it might involve the United States in unforeseen difficulties; and it was contended, that no advantage would probably result from it. Mr. Forsyth, of Georgia, opposed the projected measure with great ability and eloquence. Those members of the House, who had been usually denominated federalists, took little part in the debate. The inhabitants of South America, as well as of Mexico and Central America, had long been kept in a degraded condition, and unjustly oppressed. Their situation was commiserated by the citizens of the United States generally; and most were hoping that they would throw off the heavy yoke of European governments, and assert their independence. But the policy and propriety of a formal declaration in their favor, by the government at that period, and in their then unsettled state, was not admitted by the majority of the citizens.

During the year 1818, and previously to the treaty with Spain, negotiations for which have been already noticed, very serious difficulties arose in Florida, on account of the invasion of the territory, then in possession of the Spanish government, by United States troops, under command of General Andrew Jackson, and of the forcible seizure of St. Marks and Pensacola. This conduct of the American General was deemed altogether unjustifiable; as negotiations with Spain for the territory were then pending; and the instructions of the President did not authorize an attack on the Spanish troops or forts. General Jackson had been directed to subdue the Indians, who were troublesome to the white population in Alabama and vicinity; but not to attack or invade the Spanish possessions. His plea for doing it was, that the hostile Indians fled to the Spanish com-

manders for protection; that they were encouraged by them; and that the safety of the inhabitants in that part of the United States required such proceedings. The executive afterwards caused the instructions given General Jackson, on this occasion, to be laid before Congress; and he also gave orders immediately for the restoration of the forts and places to the Spanish authorities. General Jackson was also charged with undue severity, at this time, in the execution of two British subjects, whom he took in the territory. The punishment was summary, and without law; but the justification he offered was, that they were instigating the Indians in their hostilities against the citizens of the United States, and were to be treated as spies, or *outlaws*. The plea was not satisfactory to the public. *Outlaws* are not known by the American government. And it was not for a military character to declare any one such, without a claim to legal trial. And they could not justly be treated as *spies*; for there was no war then existing; and no enemy known, to whom improper information could be given. In disavowing and disapproving the conduct of General Jackson, in these acts, the executive found cause, however, to excuse them, on the consideration of the peculiar exigency of the case. The great popularity of the military commander was supposed to have furnished a reason for no further proceedings or inquiries into this affair. Two of the cabinet, as it afterwards appeared, were of opinion, that a public censure or reprimand was necessary, to vindicate the character of the administration.\*

In much later times, Florida has been a field for expense and suffering to the United States. It has become the *cemetery* for many a gallant and worthy young man, who belonged to the military of the nation. In many instances also, the native population have been destroyed in wanton cruelty, and not for necessary defence. It has been found impossible to remove, or to quiet them in all parts of the

\* The instructions from the President to General Jackson, forbid him to enter Florida, unless in pursuit of an enemy; and in that case, to respect the Spanish authority, wherever it was maintained. The latter part of the instructions appear to have been directly disregarded. Such conduct would have involved the United States in war, with a powerful nation, except there were a prompt and explicit disavowment of it by the executive. The conduct of the military commander, (General Jackson,) was made a subject of inquiry in the House of Representatives, and a report made, disapproving of some parts of it as arbitrary, unjustifiable, and dangerous in principle; and the report was ably supported by Clay of Kentucky, Johnson of Virginia, and others; but opposed by many other members. The inquiry disclosed several highly arbitrary acts. The Governor of Georgia was told by General Jackson, "that he had no right to issue a military order while he was in the field."

territory. Some of them, indeed, have relinquished their right and claim to the soil: but others have remained; and all efforts to subdue or to banish them, have proved unavailing. To gain and to keep possession of Florida, where there were only two or three thousand warriors, has cost the United States almost a sixth part of the expense of the eight years war for liberty and independence. The patriot and the philanthropist have often inquired, if just and kind treatment of the natives would not have made them friends of the government and of the people in their neighborhood; and thus have prevented the immense waste of blood and treasure, for a territory not necessary for the glory or prosperity of the republic; nor justly claimed, without the consent of the native tribes.

In his message to Congress, at the beginning of the session, in November, 1818, the President referred to the Convention, made with Great Britain in 1815, for regulating the commercial intercourse between the two countries, and which would expire in the following year: and stated that the American Envoy, at the court of London, had been instructed to call the attention of the British ministry to the subject; proposing a removal of the terms of the Convention, with some modifications, deemed more favorable to the navigation and commerce of the United States. The Envoy, then at the court of Paris, was authorized and directed to repair to England, and to assist in the negotiations. And the various subjects of impressments, of the fisheries, of boundaries, with a general regulation of all commercial intercourse in future, were to be discussed, and if possible adjusted in a satisfactory manner. Congress was informed that the British administration had met the proposition in a friendly spirit, and that negotiations had been already commenced.

The President gave a full statement of the proceedings in Florida, by United States officers, and of the capture of St. Marks and Pensacola, and of his disavowal of the attack on those places, and his restoration of them to the Spanish authorities. He suggested, that an apology might be found, for the acts committed without his authority, in the weakness of the Spanish forces there, or a neglect to keep Indians in submission and peace. They had perpetrated many deeds of cruelty, and the country was in a state of anarchy, as well as a place of resort for lawless and dangerous men.\* The remedy, if severe and arbitrary, might

\* The Secretary of State said, in reply to the Spanish minister—that the entrance of Florida, by General Jackson and the United States troops under his



in his opinion, be justified, from the necessity of the case. He expressed a hope, however, that the difficulties between Spain and the United States would soon be brought to a close, by a cession of Florida.

A reference was made in the message to the political state of Buenos Ayres and some other provinces in that part of South America, which had then recently declared themselves independent of Spain: and to the appeal of the latter to her allies in Europe for assistance or advice. The European powers, friendly to Spain, it appeared, had promised to mediate between the provinces and the parent government: but it was not expected that those powers would interfere by force to oblige the provinces to submit, but would be satisfied with an expression of their opinion on the subject. And the President was therefore induced to observe, "that the policy pursued by the United States government, which was of a neutral character, and a forbearance of all definite action in favor of the provinces, was highly proper in the present state of affairs."\*

The message gave a statement of the finances of the United States, which were in a very prosperous state. The actual and estimated receipts into the public treasury were about twenty-five millions: and, after satisfying all demands under the appropriations made, redeeming a full

command, was necessary for the safety of American citizens in Georgia and Alabama; that the Spanish officers in command there were guilty of gross neglect in not restraining the native Indians; that lawless and dangerous individuals, who were selfish adventurers from other countries, had instigated the Indians in their various acts of hostility; and this being proved, that their summary execution was proper; that the Spanish government might be assured this state of things could no longer be endured, and "that the government of the United States would keep up a force in the province, sufficient to restrain the Indians." "The duty of this government," he said, "to protect the persons and property of our fellow-citizens on the borders of the United States is imperative; it must be discharged—and, if after all the warnings which Spain has had; if, after the prostration of all her territorial rights and neutral obligations, by *Nichols* and his banditti, of all her treaty stipulations, by *Arbutnot* and *Ambrister*, abetted by her own commanding officers, to the cruel annoyance of the United States—if the necessities of self-defence should again compel the United States to take possession of the Spanish forts and places in Florida, we declare, with the frankness and candor which becomes us, that another unconditional restoration must not be expected—that even the President's confidence in the good faith and ultimate justice of the Spanish government will yield to the painful experience of continual disappointment; and that after unwearied and almost unnumbered appeals to them for the performance of their stipulated duties in vain, the United States will be reluctantly compelled to rely, for the protection of their borders, on themselves alone."

\* The Commissioners appointed sometime before by the executive to visit South America, had returned, and their opinion was in accordance with that here expressed by the President.

moiety of the Louisiana debt, and paying the whole of the old six per cent. stock, two millions would be remaining in the treasury. The sale of public lands, during the year, exceeded both in quantity and price that of any former year; and several large tracts had also been purchased of the Indian tribes, with the entire approbation of the chiefs, and of great value to the United States.

During this session of Congress, a committee was appointed by the House of Representatives, to examine into the conduct of the directors of the United States Bank; though the proposition was opposed as unnecessary. There were suspicions and reports at that time of mismanagement in the administration of the institution: and it was charged, that the terms of paying in the capital stock had not been strictly enforced, and that there was a spirit of favoritism in the board of directors. Some defects were found, by the committee, in the conduct of the president and directors; but nothing to warrant the reports which had been circulated unfavorable to the bank. No gross misconduct, and no violations of the charter were detected; and no act of the national legislature followed on the report. The inquiry could not justly be considered as improper, as the public reports of the day were calculated to weaken the confidence of the people in the institution; and as there was then a great pressure in the monetary concerns of the country; and it was important that a banking company, which had the countenance and support of the federal government, should be faithfully administered. It was a period of uncommon pressure with all the banks in the nation, and many were unable to meet the payment of specie for their bills. There was a great scarcity of specie in circulation. The trade and commerce with foreign countries had led to an exportation of the precious metals in unusual quantities. And it was proposed in Congress to prohibit or restrict the exportation, as a remedy for the embarrassments which existed. But the majority was opposed to such a measure. The opinion of the Secretary of the Treasury was requested by a committee of the House of Representatives, on the subject, which was adverse to all legislation, and the committee in their report agreed with the Secretary. They observed—"It is the opinion of your committee that commerce will flourish most, when permitted to pursue its own paths, marked out by itself, embarrassed as little as possible by legislative regulations and restrictions."

A Convention was concluded between the United States

and Great Britain in October, 1818, and ratified on the part of the latter in November, and on the part of the former in January, 1819: but it did not embrace all the subjects proposed by the American Envoys, and anticipated by the executive. The subject of impressment was not included, nor that of the trade between the United States and the colonies of England; though these were urged by the Envoys of the United States.\* The principal articles related to the fisheries, near the coast of Newfoundland, of the Magdalen Islands, of Labrador, and in the Straits of Bellisle: to the northern boundary line between the territories of each nation, from the Lake of the Woods and the Rocky Mountains—to the admission of the citizens and subjects of either power to the northwest coast of America, west of the Rocky Mountains, for ten years, without prejudice to the claims of either, to any part of that country: to the renewal and continuance of the Convention of 1815, for the term of ten years; and to the restoration of slaves belonging to citizens of the United States, taken in the course of the war of 1812, as formerly stipulated by the treaty of Ghent.

The most important laws of Congress, at this session—from November, 1818, to March, 1819—were the following: to protect the commerce of the United States, and punish the crime of piracy; by which the President was authorized to instruct the commanders of public armed vessels of the United States, to seize any armed vessel or boat, which had committed or attempted any piratical depredations or aggression on the maritime property of American citizens; and in certain cases, to permit merchant vessels to be armed in self-defence:—to regulate the duties on imported wines, by which a reduction was made in the duties previously required:—to provide for the civilization of the Indian tribes adjoining the frontier settlements of the United States; by which the President was authorized to employ suitable persons to teach them agriculture, and to encourage them to engage in it; and also to instruct their children in reading, writing, and arithmetic; and the sum of ten thousand dollars was voted for such purposes: and an additional act to provide for the prompt settlement of public accounts.

\* The British negotiators were not willing to agree to relinquish their ancient claim of the right to search for their own native subjects, in merchant vessels, in time of war, when they might need their service; and the Envoys of the United States could not consent to such a claim, without virtually surrendering their sovereignty and independence: But were ready to engage to exclude British subjects from their maritime service, in all cases.

There was also a law made at this time, relating to the slave trade, designed as supplementary to former laws on the same subject. It gave the President power to employ any of the armed vessels of the United States to cruise on the coasts of Africa, or elsewhere, where he had reason to believe attempts were made to carry on the slave trade by citizens or residents of the United States.

The territory of Illinois was admitted into the federal Union, and recognized as one of the United States; Mississippi was admitted at the preceding session of Congress; and Alabama, in 1819; and Maine in 1820.

The attention of the federal government continued to be directed chiefly to the fiscal concerns of the country, by effecting sales of public lands, and reducing the national debt; and to a gradual completion of fortifications for defence. The demands on the treasury had increased, on account of the very great number of pensioners under the law of 1818. More than a million of dollars were paid to these veterans of the Revolution in one year. And the revenue arising from imposts was less, in 1817, than in the preceding year. Embarrassments of a pecuniary nature affected most parts of the United States, in 1818 and 1819; and the influence, to some extent, was felt in the revenue.

The manufacturing interests suffered by this general pressure in the monetary affairs of the nation. And the President, in his annual address to Congress, December, 1819, suggested the propriety of affording further encouragement to these establishments. They had shared in the disadvantages arising from the small and limited discounts, which the banks could, at that period grant them; for in most instances they needed a credit to prosecute their business with success. The President submitted it to the national legislature to afford such encouragement and aid as they might think proper, "having due regard to the other great interests of the nation."

The message of the President, December, 1819, referred at some length to the state of the Spanish provinces in South America, which had thrown off their allegiance to the parent government three years before, and where a civil war had followed, between the inhabitants in the provinces, and the troops in the immediate service of the crown. The contest had thus far proved favorable to the provinces. Buenos Ayres, Chili, and some other colonies had maintained their independence; and the progress of the revolution in these countries had excited the sympathy or interest of other governments. Most governments in

Europe, being anxious for the support of the principles of *legitimacy*, were not desirous of the success of the people in South America, who were professedly aiming to establish free governments on the ruins of monarchy. The people of the United States generally, discovered a deep sympathy for the rising republics, and expressed a wish for their independence of the European monarchy. The President possessed, in some measure, this spirit of sympathy; but he wisely held a neutral position, and recommended the same policy to Congress. "A virtuous people," he observed, "may and will confine themselves within the limits of strict neutrality; but it is not in their power to behold a conflict, so vitally important to their neighbors, without the sensibility and sympathy which naturally belong to such a case. It has been the constant purpose of the government to prevent that feeling leading to excess; and it is very gratifying to state, that so strong has been the sense, through the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred." The favorable views towards these provinces in South America, which were cherished by the federal administration, had been frankly communicated to the European powers; and the President expressed the belief, that such was the progress the revolutions had made, and such the condition of Spain, that the latter would refrain from prosecuting the contest.

A formal recognition of the independence of the provinces in South America, by the federal government, would have been premature and injudicious at that period; and yet the measure was urged by some eminent politicians then in Congress. The pacific policy proposed by the United States, forbid any interference between these provinces and the parent government in Europe. As much as was proper or politic was done, by the declaration of the President, that the United States could not be indifferent to attempts, by the monarchical powers in Europe, if any were made, to put down these infant republics by force, and to compel their submission to the government of Spain, with a view to support the principles of legitimacy, which were prevailing on the old continent.\*

\* Mr. Clay, of Kentucky, then the Speaker of the House of Representatives, in 1818 and again in 1819, declared himself in favor of recognizing the independence of the South American provinces, and expressed a hope that they would be successful in their struggles for self-government. Many other members expressed similar views; but the majority considered it improper in the government to interfere.

The sanction of the federal legislature was given to internal improvement, which had been a subject of frequent discussion before; so far as to authorize the executive to cause a survey of the country, for continuing the Cumberland road from Wheeling, on the Ohio river, in the west part of Virginia, to a point on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois river; and an appropriation was made to meet the expenses of the survey. The bill for this purpose received much opposition; and some voted in favor of it, who had doubts of a constitutional right in the federal government to expend the public monies for internal improvements, except in works evidently of great national benefit. They gave it their support from the consideration, that the project having been commenced, and the road made in part, it was proper to complete and to extend it. A great part of the distance would be through lands belonging to the government; and the value of these would rise, on the opening of the road. This project has been very expensive to the government; but the situation of the country then called for such a measure. The canal and a railroad, since constructed, to facilitate the intercourse between the eastern and western parts of the Union, have rendered the Cumberland road less important than it appeared to be when first undertaken.

The attention of the national legislature, at this period, was devoted to the currency, and to the pressure in the monied operations in the community. The importation of foreign goods had been to a very large amount, and great debts incurred in Europe; a spirit for extensive trading prevailed; and bank paper had increased, which operated to raise the price of articles, and at the same time led to a system of extended credits, which, though a temporary relief, soon produced much embarrassment. The greatest evil, perhaps, was the multiplication of banks, and the increase of bills issued by them. One disastrous effect was, the suspension of specie payment by many banks; which weakened the confidence of the people in these corporations. And another was, that specie was exported, in large quantities, to pay for goods imported from Europe and India.

But Congress could do little to remedy the evil. One proposition was, to issue treasury notes to a large amount, and to make them a tender. But there were few advocates for such a measure. It was opposed as not being warranted by the Constitution; and though Congress might order a large issue of treasury notes, they would soon depreciate;

and be little better than the paper money in the time of the Revolutionary war. Others proposed, in order to furnish the government with necessary funds, that all duties arising from imported goods should be paid in specie. But neither was this plan approved by Congress. It was also proposed, at the same session, to raise the duties on most articles imported from foreign countries; as this would increase the amount of the revenue, and at the same time operate in favor of domestic manufactures. But it was objected, that the manufacturing interests were already sufficiently encouraged—some, indeed, believed unduly—already; and that higher duties would fail to produce a larger amount of revenue; as less would be imported, when the duties were much advanced, and that smuggling would probably prevail extensively, to the injury of the public morals as well as of the public funds. Repeated and zealous attempts were made at this time, to grant further encouragement to manufactures in the country; and several members of Congress were in favor of the bill for raising the duties on cotton goods, iron, cordage, &c. with a particular view to the manufacturing interests. The bill was adopted in the House of Representatives by a majority of twenty, after various efforts to alter or postpone it; but did not receive the concurrence of the Senate. Some members called it the *commerce-killing* bill; and some complained that the interests of agriculture were wholly disregarded or injured. It was also opposed, from the consideration that the revenue from imposts would be so diminished, as the high duties would greatly check importations; and that direct internal taxes to a great amount must be imposed. A proposition was also made and urged in Congress, at this session, to require the payment of duties on imported articles, with some exceptions, before a permit should be given to land them, unless they were designed for exportation. The articles excepted, were such as were in common use among all classes of people; as teas, coffee, salt, molasses, sugar, spices, dye-stuffs, and medicines. But on these, if the duties did not exceed one hundred dollars, immediate payment was also to be made. The bill was rejected, after long and repeated debates, by a vote of ninety-one to fifty-five.\*

The evils proposed to be remedied or lessened by these

\* This bill was advocated by Clay of Kentucky, McLean of Ohio, Baldwin of Pennsylvania, and others. And opposed by Lowndes of South Carolina, Smith of Maryland, and many others.

plans presented in Congress, were believed, however, to be chiefly owing to overtrading, and to the great issue of bills by State banks, then recently established beyond all former example. A spirit for banking companies prevailed, and an unusual and unnecessary number were authorized in almost every State in the Union. The country was flooded with paper money of this sort; many banks were unable to redeem their bills when presented; and the most disastrous results soon followed. But it was not within the province of the federal legislature to apply a direct and effectual preventive. It was indeed, a question, whether Congress had not a right to regulate and control all State bank companies, by virtue of a clause in the Constitution, "giving them power to coin money, and to regulate the value thereof." Different constructions were given to this clause; and the State legislatures had so long exercised the power of creating such corporations, without any objections, that it was judged impolitic to interfere with them.

During this session of Congress, (in March, 1820,) Maine and Missouri, were admitted into the Union, as separate States, with all the rights and privileges of the other States which composed the federal government. But on the question of admitting Missouri, a proposition was offered that involuntary slavery should not be permitted to exist there; which gave rise to long and very warm discussions, in both branches of the national legislature. Slavery had been expressly excluded from Ohio, Indiana, and Illinois, by acts of Congress, on their admission into the Union. But that restriction was by virtue of an ordinance of the former Congress, under the confederation, prohibiting the introduction of slavery into the northwest territory, out of which these States were formed. Missouri was part of the Louisiana territory, purchased of France in 1803. And in various parts of that extensive territory, slavery then and had long existed. Louisiana had also been admitted into the Union without any such restriction or prohibition. The States of Kentucky, Tennessee, Mississippi, and Alabama, admitted into the Union, as separate States, previously to this period, were made subject to no such restrictions; as they were taken from States in which slavery existed. From that consideration no attempt was made in Congress to restrict these States in this respect. And it was contended, that on this principle, Missouri should also be received, without requiring as a condition of admission, the exclusion of slavery. And it was also insisted, that it would be interfering with the independent character



of a State, to enforce any such restriction, which was manifestly a subject of regulation by the State authority. On the contrary, it was urged, that in the old States the subject was expressly settled by the Constitution, and Congress could not justly interfere in those States; but, that it was otherwise with new States received into the Union; in which case Congress had the right to impose such restrictions and conditions as it might choose—that it was evidently the intention of the old Congress, not to extend slavery, having prohibited its introduction or existence in new States to be formed out of the northwest territory; and that slavery was so great an evil, and so abhorrent to the principles of a free government, that it should be abolished or prohibited, wherever it could be constitutionally effected. The majority for the admission of Missouri without the restriction proposed, though long and ably urged by many, was quite small; and the bill for the purpose, before its final passage was amended by adding a section prohibiting, in future, the existence of slavery beyond the latitude of thirty-six degrees and thirty minutes north, within the United States, and not included in the limits of the said State of Missouri.\*

Some members of Congress, who opposed this restriction, on condition, were equally desirous of preventing the extension of slavery as others; but they believed the prohibition an improper interference or encroachment on State sovereignty; and that it was as proper to permit it in this case, as in the States formed from Virginia, North Carolina, or Georgia.† Far the greater number of those who were in favor of a provision, in the bill for the admission of Missouri into the Union, interdicting slavery therein, acknowledged the right in the old States to hold slaves, as recognized in the Constitution. They held that instrument

\* The south boundary line of Missouri is in this latitude; so that now slavery cannot be allowed in a new State which may be formed out of the territory of the United States west of Missouri, and north of thirty-six degrees and thirty minutes.

† Among the advocates for excluding slavery from Missouri, were R. King of New York, Otis of Massachusetts, Dana of Connecticut, Sargent and Hemphill of Pennsylvania. Of those opposed to such exclusion were Holmes of Massachusetts, Vandyke and McLane of Delaware, Pinckney of Maryland, Randolph and Barbour of Virginia, Lowndes of South Carolina, Olay and Johnson of Kentucky. The vote in the House of Representatives was several times given for excluding slavery; but the Senate disagreed, and would not yield to the House; and afterwards the House yielded to the opinion of the Senate, and by four majority voted in favor of the bill, omitting the clause of exclusion.

as sacredly obligatory upon Congress; and did not attempt to interfere with the subject of slavery in the original States. They also admitted, that when one of the old States was divided, and a new State formed by a part of it, slavery could not properly be prohibited. But sincerely disposed to adopt all lawful and proper means to prevent its increase, they would not have allowed its existence in a State formed from a territory, not within the United States when the federal Constitution was adopted.

An act was passed by Congress, May, 1820, by which the commissions of district attorneys, collectors of the customs, naval officers and surveyors, navy agents, registers of land offices, &c. should be for the term of four years only. The object of the law was to secure the prompt payment of public monies; which previously, in many instances, remained a long time in the hands of the receiver, and was not paid into the treasury of the United States; and numerous delinquencies occurred in the public agents. A law for the purpose of insuring prompt payment was passed in 1817; but did not prove a sufficient security.— And it was believed, that the limitation of the commissions of such officers would induce them to be more prompt and careful in paying over the public funds, which came into their possession, by virtue of their official duties. The opinion of Congress was thus clearly expressed, that a public agent and receiver of the public revenue, if delinquent, should not be suffered long to remain in office. It would have been a great saving and benefit to the government, if this principle had been strictly observed afterwards.

Another law was passed, at this time, for the same object, the security of the public funds; being for the “better organization of the treasury department.”\* It provided for the appointment of a new officer in the treasury department, whose duty it should be to prosecute delinquents in office, on notice of their default from the comptroller.

Two important bills, before Congress in the course of this session, one for establishing an uniform act of bankruptcy, and the other for an uniform mode of choosing electors of President and Vice President of the United States, by the people, in districts, were supported by several members with great ability and zeal; but, after many days discussion, received the negative of the majority. The members

\* In a report of the Secretary of the Treasury, at this time, it was stated, that nearly a million and half of dollars had been lost to the government, by defaults of public officers.

from the northern and eastern States were generally in favor of a bankrupt law. Those from the south and west parts of the Union were opposed to it. They apprehended that much fraud would be practised under it, and that creditors, who were often working people, would be deprived of their just dues.—The proposition to amend the Constitution so as to require the choice of Electors to be directly by the people, and in districts, was not a party or sectional question; but there appeared an unwillingness in the majority to propose such an alteration to the States, or to the people. It was probably the intention of the framers of the federal compact, that each State should decide as to the mode of electing the few persons who were to give a vote in this case, and thus express the opinion and will of the whole State. Whether these persons were chosen in districts, or by a general ticket throughout a State, or by the representatives of the people in their respective legislative assemblies, the spirit and letter of the Constitution would be observed. But as each State is to have a voice in the choice of President and Vice President, the districting system would evidently be a less fair and full expression of the will of the majority in a State, than a choice by the legislature, or by a general ticket. In either of the two last modes of appointing Electors, the undivided opinion and will of the majority would be declared.

During this Congress, the President was authorized to borrow the sum of three millions of dollars for the public service; it having been stated by the Secretary of the Treasury, that the expenditures would probably amount to nearly sixteen millions, and that there might be expected some diminution of receipts from the revenue. The expenditures for the civil list were estimated at two millions and a half; for the army, including provisions and instalments due the Indian tribes, ten millions and three hundred thousand; for the navy department, two millions and a half; and for miscellanies and contingences, a large sum.

The navigation act, of April, 1818, was considered, and modified so as to prohibit the entrance, into ports in the United States, of British vessels coming from Lower Canada, New Brunswick, Nova-Scotia, Newfoundland, St. Johns, Cape Breton, and Bermuda, as well as from other ports within the dominions of Great Britain, in the West Indies, or South America. The object of this law was the same as of that passed in 1818, only extending the prohibition contained in the latter. Nor was it designed as a hostile act; but as a measure called for by a regard to the interests

of the navigation of the United States; and in the expectation that it might eventually lead to the adoption of more liberal principles, and a real reciprocity in trade between the two nations. This and the former act on the same subject were proposed and advocated by one of the most distinguished statesmen in Congress, Mr. King, then a Senator from New York.—A bill was passed in the Senate by a small majority at this session, respecting the boundary line between Indiana and Illinois, but was opposed by Mr. King; who expressed his doubts of the constitutional power of Congress to establish the boundaries between *sovereign* States of the Union. The opinions of this experienced and learned statesman, who had been a member of the old Congress from Massachusetts, and one of the delegates in the general Convention, 1787, for forming the federal Constitution, had great influence in the Senate: and no man better understood the nature and principles of that national compact. His opinion on this subject, in later times, has not received so much deference and respect. How far the individual States are sovereign, is a difficult question to solve, in some cases which may and have occurred. A disposition has been manifested, in many distinguished politicians, to increase the power of the general government, and to curtail that of the State authorities; and yet one of the articles appended to the Constitution is, “that the powers not delegated to Congress nor prohibited to the States, are reserved to the States respectively.”

In the President’s message to Congress, November, 1820, after alluding to the general prosperity and the auspicious prospects of the United States, he referred to the recent partial pressure in the concerns of trade and finance; which he attributed, in some measure, to changes which had taken place in Europe, but more to the great amount of the circulating medium, by unusually large issues of bank paper, in all parts of the United States. “These,” he added, “we should regard in the light of instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy, corresponding with the simplicity and purity of our institutions, and best adapted to their support.”

At this time, the President again referred to the situation of the Spanish provinces in South America; and stated, that, while divisions unfortunately prevailed in Buenos Ayers, Venezuela and New-Grenada had gained strength, and acquired reputation, both for the management of the

war, in which they had been successful, and for the order of internal administration. Late changes in the government of Spain were favorable to the revolution in these provinces; and the authorities in the latter were fully resolved to maintain their independence. It was not probable that any of the powers in Europe would take part in the contest between Spain and her colonies; and that an adjustment was expected to take place between the parent government and the South American provinces. It was the hope of the administration that this result would be realized; and that it would not be proper for the United States to interfere in the present contest.

On the subject of the public debt and finances of the United States, the President informed Congress, that the debt, which in 1815, was estimated at one hundred and fifty-eight millions of dollars, including liabilities then not fully ascertained, had been much reduced, and that nearly sixty-seven millions of this had been paid in five years, besides the annual support of government, and large expenditures for the army and navy, for fortifications, and for the public buildings in Washington. The receipts into the treasury, for the year 1820, from all sources, were nearly twenty millions; and the expenses of government amounted to seventeen millions. There was, at that period, an extensive trade with foreign countries, and the importations were very great, in 1819, notwithstanding the increase of domestic manufactures. The products of the East and West Indies imported, were increased with the population. The duties on most articles were high, and the revenue therefore much augmented. It was also stated in the message, that there was then due to the government, for the sale of public lands, twenty-three millions of dollars.

At this session of Congress, an act was passed for reducing the military peace establishment; by which it was provided, that there should be seven regiments of infantry and four regiments of artillery, with officers for the ordinance and engineering departments. This was a large reduction of the number of regiments as required by former laws. The sum to be expended, annually, for the navy department, was also reduced from one million, authorized by a law in 1816, to five hundred thousand dollars.

## CHAPTER XI.

Mr. Monroe elected President, for a Second Term. Inducted into office March, 1821. His Policy, wise and economical. His devotion to the Public Welfare. His regard for Constitutional Principles. His faithful attention to the National Finances. In favor of Punctuality and Accountability in Public Officers; and Receivers of the Funds of Government. Negotiations with England and Spain. Difficulties in Florida. Mexico—South American Provinces—Recognition of—Proposals to send Envoys to them—Not approved by President, nor by Congress. Prosperous Condition of Public Treasury—Public Debt annually diminished. Internal Improvements—Cumberland Road. Internal Taxes and Excise Acts repealed. State of Missouri Established. Questions of Slavery—Prohibited west of Missouri.

IN March, 1821, Mr. Monroe was again inducted into office, as President of the United States, for the term of four years, the period for which he was first elected having then expired. His election, at this time, was with far more unanimity than had been manifested in the choice of a Chief Magistrate of the Union, after the presidency of Washington. He had discovered entire devotion to the public interests, business talents and habits, good judgment, great political moderation and candor, and a strong attachment and high regard for constitutional principles. It was evidently his purpose to administer the affairs of the federal or general government in conformity to the spirit and intent of the original compact. The powers given to Congress, or to the President, he was fully disposed to have exercised for the protection and welfare of the whole country: at the same time, he was averse from assuming authority on subjects not clearly within the province of Congress, and ready to acknowledge State rights to all reasonable extent, as reserved to them expressly, or by evident implication of the Constitution.

In his inaugural address, March, 1821, the President referred to this subject in a very concise manner, as he had fully expressed his views on a former occasion. "Perfection in our political organization could not have been expected in the outset, either in the national or State governments, or in tracing the line between their respective powers. But no serious conflict has arisen; nor any disputes, but

such as are managed by argument, and by a fair appeal to the good sense of the people. And many of the defects, which experience had clearly demonstrated, in both governments, have been remedied. By steadily pursuing this course, in this spirit, there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable; and that the movement, in all its parts, will exhibit such a degree of order and harmony, as to command the admiration and respect of the civilized world." Referring to the internal condition of the United States, he observed, "Under the present *depression* of prices, affecting all the productions of the country, and every branch of industry, proceeding from causes noticed on former occasions,\* the revenue has considerably diminished; the effect of which has been to compel Congress either to abandon the great measures for national defence, or to resort to loans, or to internal taxes, to supply the deficiency. On the presumption that this depression and the deficiency in the revenue arising from it, would be temporary, loans have been authorized for the demands of the last and present year. Anxious to relieve the people from every burden, which could be dispensed with, and the state of the treasury permitting it, in 1817, I recommended the repeal of the internal taxes; knowing that such relief was then peculiarly necessary, in consequence of the great exertions made during the late war. I made that recommendation under a pledge, that should the public exigencies require a recurrence to them, I would readily perform the duty, which would then be incumbent on me. By the experiment now making it will be seen by the next session of Congress, whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially, should it be probable that it would be permanent, the course to be pursued appears to me to be obvious. I am satisfied, that under certain circumstances loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of each current year, especially in times of peace, should be provided for by the revenue of the year. I have never dreaded, nor have I ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism

\* These were foreign commercial regulations, and the great increase of bank issues.

of my fellow-citizens ; well knowing that they would never be made in vain ; especially in times of great emergency, or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a revision of revenue to meet, to a certain extent, the demands of the nation without relying altogether on the precarious resource of foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens on the people, enhance the price of produce, promote manufactures, and augment the revenue, at the same time that they made it more secure and permanent."

During the session of Congress, which closed on the third of March, 1821, several subjects were proposed and discussed without receiving the final action and decision of that body. Had there been no necessity of closing the session on that day, and had the legislature been continued some weeks longer, several important measures proposed would probably have been adopted. A bill for a bankrupt law was before Congress, at this time, as well as on several previous occasions ; and was fully discussed. There were great objections made to it, and there was also an effort made to extend it to other classes of citizens, as well as to merchants, and thus to render it in fact an insolvent law. The bill was adopted in the Senate by a respectable majority ; but its progress was arrested in the House of Representatives, by laying it on the table, where it was suffered to remain till it was too late to act upon it ; and its opposers had the address to let it repose there too long to give it life.

It was also proposed to reduce the compensation of officers of the customs and others ; and to fix the pay at the rate it was before 1817 ; but nothing decisive was done on the subject : as in most other similar cases, it was found far more difficult to lessen the salaries and fees of public officers than to raise them. Renewed efforts were also made to increase the duties on various imported articles, to encourage domestic manufactures. A member from Vermont, even proposed to prohibit the importation of woollen and cotton goods, hats, leather, glass, distilled spirits, lead, iron, &c. but the proposition was approved by very few ; and yet a large minority were in favor of increasing the rate of duties on imported goods, for the same object, to such an extent, that it would probably have operated in a great measure as a prohibition. The manufacturers were



not satisfied with the increase of impost duties,\* before imposed for their benefit, and pressed strongly for further aid and encouragement. But though there was a general opinion favorable to domestic industry and to manufactures, which induced the majority to acquiesce in the support already given to this department of national wealth, there was an unwillingness manifested to afford it any greater direct favor, to the detriment or hazard of other pursuits, whether commercial or agricultural.

The proposition was again discussed, at this session, of forming a political intercourse with the provinces in South America, which had declared their independence of the crown of Spain, so far as to send an Envoy from the United States. The resolution offered and pressed by several members of Congress, was for making an appropriation for an outfit for such an Envoy, and for one year's salary.— But the resolution was rejected. The following resolution, however, was soon after proposed for adoption, and passed with very few dissentients: “Resolved, that the House of Representatives participates with the people of the United States, in the deep interest which they feel for the success of the Spanish provinces of South America, which are struggling to establish their liberty and independence.”— And a further resolution was also voted by a majority of twenty-one: “That the House will give its constitutional support to the President of the United States, whenever he may deem it expedient to recognize the sovereignty and independency of any of the said provinces.” A committee, chosen for the purpose, presented these resolutions to the President, who said, that, in common with the House of Representatives, he felt a great interest in the success of the provinces of Spanish America, which were struggling to establish their freedom and independence; and that he would take the resolutions into deliberate consideration, with the most perfect respect for the distinguished body from which they emanated.

In the course of this session of the national legislature, a proposition was made by Mr. Lowndes, of South Carolina, against receiving, as payment of dues to the federal government, the bills of any State banks, which issued those of a less denomination than five dollars; but the motion did not receive the support of the majority. It was also proposed

\* Some manufacturers of cotton goods, in Massachusetts, declined to join in an application for any higher duty on imported goods of that kind. They believed the effect would be to induce an undue portion of the citizens to engage in the manufacture, which would prove injurious to the business.

to establish a national system of education by funds accruing from the sale of the public lands; but this proposition was also rejected. Several attempts were also made, at this and a former session, to pass a bill for preventing imprisonment for debts due the United States, or on any process from the federal courts in behalf of the government. But it was not adopted at that time, on account of the pressure of other business before Congress. Several members appeared desirous of a retrenchment of the public expenditures; but no system was matured for that purpose.

A warm debate arose in the Senate, at this time, on a motion to declare the sedition law of 1799 unconstitutional; and to pay back the fines imposed by the federal courts for violations of the law. A resolution was offered by a Senator from Virginia, Mr. Barbour, to that effect; and strongly urged, but it failed to receive the sanction of the majority. It was opposed with great eloquence by a Senator from Massachusetts, Mr. Otis; and many who did not approve of the law when it was passed, judged it improper again to agitate the subject, as the act had already expired. Of forty-three members then present in the Senate, twenty-four voted against the resolution.

The subject of the African slave trade was under consideration, at this period, by the British ministry and the administration of the United States; in which there was a happy agreement of opinion and promise of action, to put an end, if possible, to this inhuman traffic. Both governments appeared sincerely desirous of preventing, in all practicable ways, the continuance of a trade so unjust and cruel. It was then fully ascertained, that the business was extensively pursued; and that great numbers of Africans were transported in chains to South America, and to some of the West India islands. The House of Representatives expressed their opinion on the subject, in a resolution, "requesting the President to enter into such arrangements as he might deem proper, with any of the maritime powers of Europe, for the effectual abolition of the African slave trade."

The *slave trade* was early prohibited, by several of the British colonies, afterwards composing part of the United States; and the federal compact, adopted in 1788, gave Congress no authority to permit that disgraceful traffic after the year 1808. To the United States, therefore, justly belongs the merit of the adoption of measures, as early as any nation, to prevent the continuance of a practice which is as inglorious as it is unnatural and cruel. The existence

of slavery, in places where it has been long found, may be *tolerated*, even by the philanthropist, from considerations of conventional agreement, or of the evils of an immediate abolition; but no apology can be offered by the friends of justice and humanity, for engaging or continuing in the slave trade. Yet with all the efforts of christian governments to prevent it, so strong is the thirst of gold in individuals, that it has not been wholly suppressed. A few citizens of the United States, where so great stress is justly laid on freedom and the rights of man, were then and have been, at a later period, concerned in this utterly indefensible practice.

In his message to the seventeenth Congress, December, 1821, the President recommended particular attention to the state of commerce with foreign nations. He expressed a belief, that further regulations were necessary, to secure to the United States all the advantages which the extensive navigation and trade of the country demanded, and which it seemed entitled to realize from a just spirit of reciprocity in other governments. Several European nations imposed restrictions on American commerce and navigation, and the federal government had adopted countervailing regulations, in some cases, in self-defence. But the friends of free trade and of liberal principles, considered such a state of things as unpleasant as it was unprofitable.

On this subject, the message of the President held the following language: "By an act of March, 1815, so much of the several acts of Congress as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States, were repealed, so far as respected the manufactures and productions of the nation to which such vessel belonged, on the condition, that the repeal should take effect only in favor of any foreign nation, when the executive should be satisfied that such discriminating duties, to the disadvantage of the United States, had likewise been repealed by such nation." By this act, a proposition was made to all nations, to place our commerce with each, on a basis which it was presumed would be acceptable to all. Every nation was allowed to bring its manufactures and products into our ports, and to take the manufactures and productions of the United States to their ports in their own vessels, on the same conditions that they might be transported in vessels of the United States. And, in return, it was required that a like accommodation should be granted to vessels of the United States in the ports of other countries.

The articles to be admitted, or prohibited, on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other, as it thought proper, and on its own conditions. When the nature of the commerce between the United States and other countries was taken into view, it was believed that this proposition would be considered fair, and even liberal, by every other power. The exports of the United States consist, generally, of articles of the first necessity and of rude materials in demand for foreign manufactures of great bulk, requiring for their transportation many vessels, the return for which, in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel.— This observation is more especially applicable to those countries from which manufactures alone are imported; but it applies, in a greater extent, to the European dominions of every European power; and in a certain extent to all in the colonies of those powers. By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports, between the United States and other countries, it was presumed, that all was offered which could be desired. Many considerations gave us a right to expect that this commerce should be extended to the colonies as well as to the European dominions, of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies; and, with the greater reason, as it was known, that the supplies which the colonies derived from us were of the highest importance to them; their labor being bestowed with so much greater profit in the culture of other articles; and because the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted, which is not required to supply the wants of the party admitting it; and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited, should be carried thither in the vessels of the country affording such supply; and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment

of equal tonnage, a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole, would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the inequality existing in the trade with the parent country.

"Such was the basis of our system, as established by the act of 1815, and such was its true character. In the year in which this act was passed, a treaty was made with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended; the British government claiming the exclusive supply of those colonies, and even from our own ports, and the productions of the colonies in return, in her own vessels. To this claim, the United States could not assent; and, in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition, which still exists.

"The same conditions were offered to France, but were not accepted. Her government has demanded other conditions, more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in the ports of the United States. To these it was thought improper to accede; and, in consequence, the restrictive regulations, which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that, although a negotiation has been long pending, such is the diversity of views entertained on the various points, which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion."

This correct though concise statement of the embarrassments attending the commerce and navigation of the United States, and of the evils consequent to a departure from the principles of *free trade*, and of a fair reciprocity in commercial intercourse, indicated alike the fidelity of the President in the discharge of his high duties to the nation, and his comprehensive views on the subject referred to. A monopolizing spirit was evident in the commercial regulations of most European powers; and it was necessary for the government of the United States to adopt restrictive measures of a countervailing character. At the same time a desire was manifested, both by the executive and by Congress, to maintain an intercourse, for trade and navigation,

on less restrictive and more liberal principles. An act was passed, early in 1822, in addition to the navigation act of April, 1818, authorizing the President, on evidence that the ports in the islands and colonies of Great Britain, in the West Indies, were opened to the vessels of the United States, to proclaim that the ports of the United States thereafter, would be open to the vessels of Great Britain employed in the trade between the United States and such islands and colonies, which had then been closed to them for several years, as a means of countervailing British restrictive measures—subject, however, to such reciprocal rules and restrictions as the executive of the United States might ordain and publish. It was also provided, by the same act of Congress, that if a convention should be concluded with France, relating to navigation and commerce between that country and the United States, the President should have power to proclaim a suspension, till the following session of Congress, of the operation of a former act imposing new tonnage duties on French vessels; which had been ordered subsequently to the monopolizing regulations of that government. The countervailing measures adopted in 1820, by the federal government, with respect to France, induced the latter to conclude a commercial treaty, in October, 1822, after a long period of delay and evasion of the subject; and by this convention an entire equality of duties was established, and principles of just reciprocity were recognized.

In 1821, Congress provided for occupying and governing Florida, and gave the President authority for that purpose, to be executed according to his direction. He appointed General Andrew Jackson governor, with discretionary powers, over the whole territory; two judges, one in the eastern section, and one in the western; with other necessary subordinate officers. Difficulties of a serious nature early occurred, which gave the President much concern, and which he noticed in his public message to Congress at this time. The Spanish officers, when they surrendered the forts and places which they had occupied, refused to give up, to the officer of the United States, "the archives and documents relating to the property and sovereignty of the province," which was the occasion of much perplexity and controversy afterwards, as to titles of lands, and to the usages and customs of the inhabitants, which the treaty of cession required the United States to maintain and observe. An unhappy dispute also arose between the Governor and one of the Judges of the territory, as to their peculiar and respective authority. The Governor claimed

to exercise supreme and controlling power in all cases. He had been accustomed to military command, and adopted the principle, applicable only in an army, of governing all other officers at his own will and discretion. But he was now acting in a civil capacity, and he had no right to interfere with the conduct or decisions of the Judiciary. His treatment of one of the Judges was deemed highly reprehensible; but the President excused it, from the consideration of the difficulties attending the due government of the territory, where the laws of the United States were to have effect, in some measure, while Spanish customs and regulations were also to be observed. The conduct of the Governor was deemed arbitrary, and of dangerous tendency; but his motives were believed by the President to be honorable and patriotic. The Governor ordered an ex-Spanish officer to be arrested for alleged contumely; and the Judge granted a writ of *habeas corpus*, on an application from the officer, which gave offence to the Governor, who considered it an improper interference with his orders, if not in direct derogation and opposition to his authority. The case of the Spanish officer was then pending before the Governor; and he had some reason, perhaps, to complain of the conduct of the Judge; who did indeed hesitate as to the course his duty and office required of him. General Jackson soon after resigned his commission as Governor of Florida; when he publicly declared that he had been clothed with greater power by the President, than any individual ought to have in a republic. The authority given him seems to have been as unlimited as that vested in the Governor General of the provinces of Canada, by the British government, at a more recent period.

President Monroe gave great attention to the fiscal concerns of the United States. When he entered on the office of chief magistrate of the Union, in 1817, the national debt was very large; the war just before terminated, had greatly augmented it. And there were numerous defalcations by public agents, during that period, who had the funds of the nation in their hands. He early recommended a reform in this respect, and proposed that the receivers of public monies should statedly and frequently be required to settle their accounts. He also urged economy in the public disbursements, where appropriations were made by Congress for necessary works. Much was saved to the government, by his prudent and faithful administration. And he was careful always to inform the Representatives of the people what was the state of the public treasury, what the amount

of revenue on the one hand, and of expenditures on the other. At this time, he stated, that the loan of five millions, previously authorized by Congress, had been effected. The increase of the public debt in 1821, however, was over a million of dollars, with all the care bestowed on the subject; and this was owing in part to the purchase of Florida. The receipts into the public treasury amounted to twenty-one millions, and the expenditures to upwards of nineteen millions: but appropriations for public works, to the amount of more than a million, had not been expended. The whole public debt, at that period, was estimated at one hundred and five millions. In 1822 and 1823, the receipts increased, and the expenditures were curtailed; the latter was justly attributed to the faithful admonitions of the President, and the attention and ability of the Secretary of the Treasury, Mr. Crawford.

The President, on this occasion, again referred to the subject of domestic manufactures, and expressed an opinion in favor of continuing the protection of government to that branch of national industry. The effect of their great extension, he said, might perhaps be a diminution of the revenue arising from imports; but at the rate of duties then existing, this evil would not be severely felt, as there were other sources of revenue. And he therefore suggested the policy of "a moderate additional duty on some articles." The high duties afterwards, in 1828, imposed by Congress, for the benefit of manufacturers, he would probably never have sanctioned. For though a friend to manufactures, he was in favor of agriculture, as the most essential foundation of general prosperity, and therefore to be protected from any measures or policy which would depress it. Mr. Monroe was not a rash politician, nor fond of experiments, and the tariff of 1828 would hardly have been adopted under his administration.

The acts of Congress at this session were not of special or extensive influence; but various laws were proposed, which exhibit the views and opinions of a portion of the national legislature on subjects of a public nature. The most important general laws were for a new apportionment of federal representatives for the several States, according to the census taken the preceding year. This subject occupied the attention of Congress several days, at different periods of the session; and various propositions were offered, as to the ratio, according to which the members were to be chosen. The number adopted was forty thousand, after several attempts were made, to have both a less and a



greater number as the ratio. The members from each State were anxious to have the ratio so settled, as that the State to which they belonged might have as small a fraction in excess as possible. The Constitution provided, "that the number of Representatives should not exceed one for every thirty thousand;" and this was the only limitation it required. Such was the ratio for several years; but the population of the country had greatly increased, and there was a general desire to prevent a very large House of Representatives.

A territorial government was established in Florida, and an act was passed for the preservation of timber belonging to the United States in that territory. Provision was made for receiving subscriptions to a loan of twenty-six millions of dollars, at five per cent., in exchange for stock then bearing an interest at six and seven per cent. An act was also passed, at this session, providing that no treasury notes should be received in payment, on account of the United States, or paid or funded, except at the national treasury: And an act for extending the time of payments due from purchasers of public lands in the west and north-west parts of the Union. The compensation to collectors and other officers of the customs was regulated anew, and changes made in the collection districts, for the purpose of rendering their several incomes more equal, with reference to the services they had to perform.

The subject of a general bankrupt law was again debated, and occupied much of the time of this Congress. A large minority in the House of Representatives was urgent in its favor, but the objections were numerous, and several different bills were offered; but they were rejected, and the original bill was voted down, by ninety-nine to seventy-two votes. It was not a party vote, but the Representatives from commercial States generally supported the bill, and those from the interior of the country opposed it. The arguments offered were similar to those presented several years before, when this subject was before Congress.

A proposition was made, and pressed by some members, particularly from Vermont and Pennsylvania, to raise the duties on imported cotton and woollen goods, for the purpose of further encouragement to domestic manufactures; but the committee, to which the subject was referred, reported that any additional legislation was not expedient. The subject excited peculiar attention and interest at that time, through all parts of the United States. The manu-

facturers urged their claims to protection, with great zeal and pertinacity; and stated the advantages to arise, in a national view, from the extension of manufactures within the United States; especially as to cotton and woollen cloths, which were then largely imported into the country; and tended, as they represented, to impoverish, or greatly retard the prosperity of the nation. Members of Congress from the southern, and from some of the eastern States, at that time were opposed to an increase of the tariff of duties on imported goods merely to benefit the manufacturers in the United States; in the belief that the protection previously afforded was sufficient; and that a higher rate of duties would operate unequally on different classes and portions of the community.

A call was made, during this session of Congress, on the President by the House of Representatives, after some objections and delay, for the instructions given to General Andrew Jackson, as governor of Florida, appointed two years before, and for the correspondence between him and the Secretary of State of the United States, relating to his conduct, while in command in that territory. The President readily communicated the papers requested, frankly stating, that he wished not to withhold any information on the subject.\* It was objected to the call for these papers, that it was a case belonging exclusively to the executive; but it was urged, in reply, that, as the common reports were, the conduct of Governor Jackson had been very arbitrary and unjustifiable; that the President had no right to give him the power which he had exercised; and that the honor of the government required an expression of censure or disapprobation, if the Governor's conduct should appear to be such as had been represented. Several members were opposed to a public and formal censure, (though none fully justified all his proceedings,) on the ground that he had unlimited power given him by the President; while others contended, that this consideration afforded no just excuse for some parts of his conduct, which was unreasonably arbitrary and oppressive. The President disavowed some of his acts, and ordered the release of individuals, whom General Jackson had confined, and the restoration of private papers which he had retained. General Jackson had resigned his

\* "Deeming it more consistent with the principles of our government," he observed, "in cases submitted to my discretion, as in the present instance, to hazard error by the freedom of the communication, rather than by withholding any portion of information, I have thought proper to communicate every document comprised within the call."

office as Governor of Florida before this subject was agitated in Congress, which was one reason, with the majority, for not adopting any report or resolution relative to his official conduct.

In accordance with the recommendation of the President, a resolution was offered in the House of Representatives, January, 1822, for recognizing the independence of Mexico, and five provinces in South America, formerly under the authority of Spain, which had then recently declared themselves to be independent Republics, and were exercising the powers of self-government. The whole Cabinet agreed with the President in favor of the measure; and the resolution was adopted in the House of Representatives with only one dissenting vote. The sum of one hundred thousand dollars was placed at the disposal of the President, to defray the expenses of Envoys to those Republics when he should consider it proper to commission them. Soon after this expression of opinion by the representatives of the people in favor of acknowledging the independence of Mexico, and of several provinces in South America, the President appointed Envoys to most of them; by which the readiness of the federal government was manifested, to be on friendly terms with those new republics, and to make arrangements for commercial intercourse. In other cases, and with reference to old established governments, the President would have been justified in the appointment of public agents, without the previous assent of Congress; the attributes of the supreme executive being supposed to include such authority. But in the present instance, at once novel and delicate, it was important to have the deliberate opinion of the other branch of government, in support of such a measure. Mr. Monroe was not disposed, as some of his successors have been, to assume any doubtful powers, or to act in an arbitrary manner on his own responsibility, where the Constitution did not clearly authorize it.

A proposition was made in the Senate, at this session, by a member from Kentucky, Mr. Johnson, for an additional article to the Constitution, giving to the Senate appellate jurisdiction in cases and questions decided by the Supreme Court relating to State sovereignties; particularly in disputes about boundaries between separate States. It was opposed by Mr. Otis, one of the senators of Massachusetts; and very few members of the Senate appeared in favor of the proposition. The principal objection was, that it would be giving judicial powers to a branch of the legislature. If such disputes could not be settled by mutual reference, it

was believed that the proper tribunal to decide was the Supreme Court of the United States. Such a course was evidently most agreeable to the character and spirit of the Constitution.

A bill was passed by Congress, again at this time, making an appropriation for continuing and completing the Cumberland road; but the President gave it his negative, and stated his reasons for not approving it, which related chiefly to the want of an express or strongly implied power in the Constitution, to expend the public funds for such an object. The objection of the President to such an appropriation, was no doubt founded in his honest convictions. He was opposed to the enlarged construction of the Constitution, contended for by those in favor of internal improvements, and who believed in the controlling authority of the federal government in cases even where power was not expressly delegated. The President was more in favor of State rights, or State sovereignties, in cases where authority was not clearly granted to Congress; and held to the more strict construction of the federal compact, in its grants of powers to the general government. The majority of Congress, at that period, was not sufficiently large to pass the bill, after the President withheld his assent.

The message of the President to Congress, at the opening of the session, December, 1822, was looked for with more than ordinary interest. The public communications of Mr. Monroe were written in a plain and simple style, and with much explicitness; entirely free from the equivocal language too often used in similar papers, in old governments,\* and sometimes in America. It was stated in the message, that the existing laws of Congress regulating the internal concerns of the United States, would acquire comparatively little attention or alteration; and that they were fitted generally to secure the welfare and prosperity of the nation. The fiscal affairs of the government were fully explained, for the consideration of Congress, that such farther enactments might be adopted, as should appear necessary for the support of public credit, the payment of the national debt, and the prompt settlement of accounts by the agents of the government. The public finances were in a more prosperous state than had been calculated at the beginning of the year. The amount of duties for the year 1822, was nearly

\* When the treaty for the cession of Louisiana by France to the United States was drawn up, Napoleon is reported to have said to his minister, who prepared it, "If it is not obscure and equivocal, take care to make it so."

twenty-three millions of dollars ; and the receipts into the treasury such, as to leave a balance of three millions, after defraying the usual expenses of the government, and the redemption of the stock of 1820, to the amount of two millions.\* The unsettled accounts, in 1817, as stated by the President, were upwards of one hundred millions of dollars. In September, 1822, ninety-three millions of this amount had been settled. And it was owing to the pressing admonitions and the faithful attention of the President, that the accounts of the public officers were so generally adjusted. There were, however, still unsettled accounts exceeding nine millions. During the period, from 1817 to 1822, in about five years, one hundred and fifty-seven millions had been paid for the support of government, for fortifications, army, navy, &c. including a large amount of the national debt, which had been discharged. From 1817, including the former sum deficient or unsettled at that time, the accounts remaining to be settled at the close of 1821, exceeded nineteen millions. In a government so extensive and with such a population, as the United States in 1822, it could not be avoided, that many and large amounts would be unsettled for one or two years. But it is a great detriment and a great evil in a republic. Mr Monroe was fully sensible of the evil, and endeavored to remove, or prevent it in future. But either from the difficulty attending the fiscal concerns of so extensive a country, and such numerous appropriations for public purposes, or the want of care and fidelity in the higher functionaries of the federal government, the evil has greatly increased since his administration.†

The subject of manufactures was again mentioned by the President, in his message to Congress at this time. And he expressed the opinion, that, although this branch of domestic industry and enterprise was in a prosperous state, "a further augmentation of duties on some foreign

\* According to a report of the Secretary of the Treasury, the imports for 1821, amounted to sixty-two and a half millions of dollars ; and the exports to sixty-five millions. The imports in American vessels fifty-eight millions ; of the exports, forty-eight millions were of the growth or manufacture of the United States.

† An act was passed, January, 1823, against making advances of public money, in case of contracts, &c. and prohibiting payment exceeding the value of service actually performed, or of articles delivered for the government ; except in particular cases, the President should give particular orders, for an advance of funds. The same act required all agents and officers of the government who received public monies, to render an account quarter yearly ; and made it the duty of a higher officer who appointed them, to remove any one who was delinquent in this respect.

articles, might be made, which would operate in its favor, without affecting injuriously any other interests, or other department of business."

On this occasion, the President also referred, in strong language, and evidently with the most generous feelings, to the situation of Greece, cruelly oppressed at that time, and for a long period before, by the Turkish government. He was too prudent and cautious to recommend any interference with the affairs of so distant a country; but he said, "a strong hope was entertained, that the people of Greece would recover their independence, and resume their equal and just station among the nations of the earth." To this sentiment, so creditable to the Chief Magistrate of a free government, the representatives of the people, and the people themselves, in the United States, very cordially responded.

The following passage in the President's message, reflected great lustre on his character as a patriot, a friend to republican governments, and an intelligent statesman, who perceived the vast importance to the future destiny and happiness of mankind, of success in our civil institutions, and of principle, virtue, and fidelity in public officers. "The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity, a generous support. We have thus far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt, that the whole movement of the people and government will be regulated by a sacred regard to principle; all our institutions being founded on that basis. The ability to support our own cause, under any trial, is the great point on which the public solicitude rests. It has been often charged against free governments, that they have neither the foresight nor the virtue to provide, at the proper season, for great emergencies; that their course is improvident and expensive.— But I have a strong confidence, that this charge, so far as relates to the United States, will be found utterly destitute of truth." Strictly speaking, this may not be considered as a real prediction; but it was a declaration full of salutary admonition to the people of the United States. Mr. Monroe had far more practical wisdom, as a statesman, and the ruler of a free people, than some of his predecessors, whose reputation far exceeded his, as philosophical politicians. The Constitution was his guide; and if he erred, through scruples of legitimate authority, in not favoring works of internal improvements, it was under the

influence of truly republican principles. He did not complain that the arm of the executive was not made stronger by the Constitution; nor assume power where it was not plainly delegated.

Several subjects, of great interest, were presented to the consideration of Congress during this session. A bill was introduced in the Senate, by a member (Mr. Johnson) from Kentucky, for abolishing imprisonment for debts due to the United States. He urged its adoption, and many other members of Congress declared themselves in favor of the measure: but it was not passed at that time. He advocated it for several successive sessions, and it became a law in 1828.

The subject of the slave trade, recommended to the attention of Congress by the President, was taken up promptly, and great zeal manifested by most members to adopt measures, in concert with England and some other European powers, for the entire suppression of that iniquitous traffic. Members from Maryland and Virginia, were as decided in favor of suppressing the trade, as those from the New England States.\* And the President was fully authorized to enter into any engagements, consistent with the legitimate powers of the government, for the accomplishment of so desirable an object. The greatest, if not the only difficulty, of agreeing to the terms proposed by England, for this purpose, was that of allowing a right to search vessels of the United States for slaves, by British naval commanders. For it was supposed, that a consent to this practice would lead to many injuries on American ships; under a pretence that slaves were on board, all would be liable to be searched and detained, greatly to the detriment of the owners. It was contended, that this right must be ceded, with such restrictions as would prevent, in most cases, the detention of any vessels not engaged in the traffic.†

Numerous acts of piracy, had been then recently committed on vessels of the United States in the Gulf of

\* A member from Virginia, (Mr. Mercer,) offered a resolution requesting the President to enter upon and prosecute such negotiations, on the subject, with any European powers, as he might deem expedient, for the effectual abolition of the slave trade. Mr. Wright, a Senator from Maryland, was active and zealous in his efforts for preventing the traffic. The resolution was adopted in the House of Representatives by a vote of 131 to 9.

† The ministers of the United States, at European Courts, were instructed to propose, that the slave trade be considered piracy, and those concerned in it punished accordingly.

Mexico, and in the West Indies. The President referred to the subject in his annual message to Congress; and a law was passed authorizing him to employ such a number of vessels, as he might consider proper, to suppress these piratical depredations. A large sum was placed at his disposal, for preparing a naval force to protect the commerce of the United States in those seas.\*

The question of an additional act laying higher duties on some imported articles, particularly woollen goods, was again agitated at this session, and on several days with uncommon zeal and warmth. The President had intimated in his annual message, that the duty might be increased with a view to the encouragement of the woollen manufactures in the United States. The friends of domestic manufactures seized on this suggestion of the President to favor their wishes. And it was proposed by a committee on the subject, to add to the duty already imposed, five per cent. The bill offered would have operated as a prohibition on low priced woollens, which was avowed by a few members. But the duty was not augmented at that session; the members from the south being totally and warmly opposed; and some from the eastern States considered it improper to encourage the manufacture, by laying a higher duty on the imported articles than was then required.

The committee on naval affairs reported in favor of an equal support for the navy, as had been previously afforded; and in some respects, of an increase of that branch of national defence. It was proposed to have one rear admiral, five commodores, twenty-five captains, thirty master commandants, one hundred and ninety lieutenants, four hundred midshipmen, seventy-five surgeons and surgeons' mates; making in the whole, adding gunners, carpenters, sail-makers, &c., 3,500, exclusive of common sailors. The subject was under debate on several different days; but different opinions were entertained, and nothing was matured at that time.

The subject of internal improvements was before Congress at this session, in various forms. It was proposed to cause

\* Mr. Gorham, of Massachusetts, was Chairman of the Committee, in the House of Representatives, on this subject; and the bill was ably supported by him. It was a select committee. Early in 1823, twelve vessels, one of them a sloop of war, one a large store ship, and the others armed schooners, sailed from Norfolk, for the West Indies and the Gulf of Mexico, for the protection of the United States commerce against pirates.



surveys for the purpose of constructing canals at Sandwich, across Cape Cod—in New Jersey, from the river Raritan to the Delaware—from the Delaware to the Chesapeake bay—from the Chesapeake to Albermarle sound—from lake Erie to the river Ohio. But no order was taken even for surveys. Many of the members of Congress believed the Constitution had given no such power to the national government: and a variety of opinions prevailed, as to the places proper to be surveyed for this purpose. A warm discussion also arose on the motion to appropriate money for the repairs of the Cumberland road, deemed an important national work.—Large sums had been expended on that road; but it was then in such a state, as to be impassable in most parts. The President had intimated a willingness to favor a bill for repairing the road, though opposed to extending it, and doubting the propriety of the original grants to open it. The session closed without any definite action on the question.

A convention of navigation and commerce was made and concluded between the United States and France, in 1822;\* which was ratified by the President and Senate, and a law passed by both Houses of Congress to carry its provisions into effect. Efforts had been made for a long time, by the government of the United States, to form a commercial treaty with France; but the French court had manifested great reluctance to enter into a convention for the purpose. The trade of that nation did not suffer from a want of such a treaty; but the United States lost many advantages by the omission. In 1820, the American Envoy near the court of France, wrote to the President, “that negotiations had become fruitless.” An additional tonnage duty was laid on French vessels, arriving in the ports of the United States, in 1821; in consequence of the regulations of France unfavorable to the navigation and commerce of the United States: and this probably led the French ministers to form the convention of 1822. It was to continue only for two years from October of that year, however, provided either party should desire to annul it. But neither government did give any notice of such desire; and the convention remained in force, and the trade was pursued between the citizens and subjects of each nation, on terms of just reciprocity.

\* This treaty was prepared by Mr. Adams, Secretary of State of the United States, and the Baron Hyde de Neuville, minister plenipotentiary of the King of France.

After the peace of 1815, the commerce and navigation of the United States did not reap all the advantages from that event, which might justly be hoped. A restrictive and monopolizing policy was adopted both in France and Great Britain; and these countries derived great benefits from the trade to the United States, while reciprocal advantages were not realized by the merchants of the latter. It was a constant object, for some years, particularly in 1820—1822, with enlightened politicians in the United States, who were favorable to commerce, to devise measures for removing the embarrassments produced by the policy of European powers; or to make regulations respecting the navigation and trade of foreigners to American ports, which should prove to be countervailing, in some degree, of the restrictive system of those governments. The principal measures adopted by Congress, with this view, were proposed or advocated by Mr. King, a senator from the State of New York; than whom, no one in Congress was more active in favor of commerce, or had more correct and enlarged views on the subject.

In his annual address to Congress, December, 1823, President Monroe gave a faithful representation of the general condition and affairs of the United States: and, in most respects, it was highly satisfactory; showing the prosperous and advancing state of the country; its commerce extending, its natural resources developing, its finances increasing, its manufactures flourishing, and its population vastly enlarged. He invoked the attention of Congress to the great duty of legislating for the various concerns of the nation, on the right direction and regulation of which, by the federal government, depended the future welfare, progress, and glory of the republic.

The various measures, which Congress had previously directed or authorized the President to adopt, it appeared had been faithfully executed, or were in due progress of accomplishment, by means promptly used to give them effect. With Great Britain, negotiation had been renewed, for settling the boundaries between the United States and the adjoining British provinces;\* and for regulating commercial intercourse with these and other colonial possessions of England, which had long been in an unsettled state, tending to create unfriendly collisions;—with France, for

\* It was observed by the President, "that from the great difficulty and apparent impracticability of performing the service, he had proposed to the British government, to establish the boundary by amicable negotiation."

adjusting the claims as to indemnity for losses sustained by citizens of the United States, owing to unjust seizures and confiscations of their property, in the late war in Europe ;— with Russia and with Spain also, relating to disputes of long existence ; those with the former referring to the territory on the northwest coasts of America ; and those with the latter, to the subject of privateers, (but another name for pirates,) then vastly multiplied, and sailing under pretended Spanish authority, to the great interruption and injury of American commerce in the West India latitudes.

The public revenue for the year past had so much increased, that the President supposed, with proper economy in the expenditures of government and fidelity in the collecting and receiving officers, the national debt might be extinguished in twelve years. The statement made by him of the national resources and of commercial enterprise, warranted the opinion he advanced on this subject ; though the pensions for revolutionary services had added over a million of dollars to the demands on the treasury of the United States. The condition of the national army, though small, was represented as much improved in its organization and discipline ; and as subject to a system of economy and accountability, which admitted of little further improvement. The military academy, the board of engineers and the topographical corps, had fulfilled the highest expectations of the government, and were considered of great public utility. And the militia of the United States, generally, was in a respectable condition ; but the attention of Congress was required, to render the system still more efficient and perfect. The importance of this subject was strongly urged by the President, on the consideration of the federal legislature at this time. Speaking of the services of the navy in protecting the navigation of the United States, both in American and European seas, where it had been employed, the President said, “ it was a source of great satisfaction, that we could, on all occasions, recur to the conduct of our navy with pride and commendation. As a means of national defence, it enjoys the public confidence, and is steadily assuming additional importance.” For several years the naval force of the United States had been increased ; not indeed, so rapidly as in the time of the war with Great Britain ; but sufficiently for all the purposes of protection to the commerce and navigation of the country, against piratical vessels, which were then numerous in the West Indies and the Gulf of Mexico.

President Monroe must have been strongly impressed in

favor of domestic manufactures, for the prosperity of the nation, as he again recommended to Congress to afford them protection by law, in a new regulation of the tariff on imported goods similar to those then made in the United States. He had previously, on more than one occasion, called the attention of the federal legislature to this subject; and had expressed an opinion in favor of extending the aid of government to this branch of industry and enterprise. And he now said, "That the views which he had before expressed remained unchanged; and that *additional* protection might justly be afforded to those articles which the citizens were prepared to manufacture, and which were more immediately connected with the defence and independence of the country."

A portion of the national legislature, in favor of encouraging domestic manufactures, was opposed to any farther protection; and this opposition was made principally by members from the southern States, where no manufactures existed; and who believed that additional duties on imports, merely for the benefit of the manufacturers, would operate unequally in different parts of the United States. A spirit of jealousy prevailed towards the northern and eastern States, which had prospered beyond those of the south by commercial enterprise; and which were now to be chiefly benefited by aid and protection to manufacturing establishments in that section of the Union. The opinion of the President, a citizen of Virginia, where manufactures were not much attended to, must have been impartial and disinterested on this subject, and may justly be considered as the result of comprehensive and patriotic views.

This reiterated suggestion of the President, was the occasion of an additional law of Congress on the subject, in May, 1824, by which the tariff was revised and altered; and higher duties imposed on several articles of import; chiefly of the description of those then manufactured in the United States. On several articles, a duty of five per cent. was laid in addition to that before imposed; though the act met a very powerful opposition.\*

\* The bill was more debated, in the House of Representatives, than any presented for many years; and the majority in favor of it was only *five*—107 to 102. It was opposed alike by those concerned in commerce and agriculture. The former believed it would prove detrimental, in its operation, to their particular interests; and the latter, considered that an undue profit was secured by it to the manufacturers. Some opposed it, under an apprehension, that it would greatly diminish imports, and thus lessen the public revenue. And a few voted against the bill, because they were dissatisfied with its details, rather than with its general principles. It passed the Senate, with several alterations, by a vote of 25 to 21.

Although the President had expressed doubts of spending the public funds for internal improvements, he declared himself in favor of appropriations from the public treasury, for *repairs* on the Cumberland road, which was considered an important *national* object; and he also proposed a survey of the country between the waters of the Chesapeake and Ohio, for a canal; which would be of a similar national character, and therefore worthy of the consideration of Congress. "It would be almost impossible," he said, "to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country, through which it would pass, would find a market through that channel. Connecting the Atlantic with the western country, in a line passing through the seat of the national government,\* it would contribute essentially to strengthen the bond of Union itself. Believing, as I do, that Congress possess the right to appropriate money for such a *national* object—the jurisdiction remaining in the States through which the canal would pass—I submit it to your consideration, whether it may not be advisable to authorize the employment of a suitable number of officers of the engineer corps to examine the intervening grounds, with a view to the construction of such a canal."

In the course of the following session of Congress, April, 1824, an act was passed authorizing the President to cause surveys and estimates to be made of such routes, for roads and canals, as he might deem of *national* importance, either in a commercial or military view; or necessary for the transportation of the public mail. There was a very general opinion, at that time, in favor of internal improvements; especially, where the work would prove of national benefit; and an appropriation of seventy-five thousand dollars was made, at this session of Congress, to improve the navigation of the Ohio and Mississippi rivers. The objection to appropriations of public money for roads, related to those which would be only for the advantage and accommodation of a single State; which, it was contended, should construct such roads; the older States having been at the expense of making them within their respective limits. Tracts of the public land, however, were sometimes granted to new States, for the purpose of education, and in a very few instances, for roads deemed important to the whole country, though chiefly and directly beneficial to a single State.

\* It was proposed to have the canal run through the District of Columbia.

The struggle of the Greeks for civil liberty, at this period, excited the sympathy of all those who enjoyed or justly valued the blessings of a free government. In the United States, this generous sentiment was deep and universal; and the President was justified in referring to the event, as he was the principal public organ of the republic. But the expression of his sentiments on the occasion, was as proper in point of prudence, as it was honorable to his philanthropic feelings. "It is believed," he said, "that the whole civilized world takes a deep interest in their welfare. Although no power has yet declared in their favor, none have taken part against them. Their name and their cause have protected them from dangers which might have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts, which have come to our knowledge, there is just cause to believe, that their oppressors have lost, forever, all dominion over them; and that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes."

On this occasion the President referred to the origin and nature of the federal government, and to the important and extensive benefits it had produced. "The history of the world," he said, with great truth, "furnishes no example of progress and improvement in all the essential attributes of national prosperity and happiness, which presents a parallel." And in illustration of the fact he contrasted the condition of the country, as it then was, with its feeble state in 1775, and even in 1784. But, as he justly observed, it was not only the increased population and enterprise and wealth of the country, which had contributed to the happy result; "it was owing also to an enlargement of the basis of our political system, and increase in the number of States, that the strength and character of the republic were so great. Consolidation and disunion have been thereby rendered equally impracticable. Each government, confiding in its own strength, has less to apprehend from any other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted."

Mr. Monroe was not alone in the opinion here expressed. Many intelligent statesmen, who had indulged great fears as to the stability of the general government and the continuance of the Union, were more ready to cherish a belief

as well as a hope, of the perpetuity of the federal system, and of the blessings of a national administration. The experience of thirty-four years had led them to repose more confidence both in the permanency and the benefits of the federal compact between the several States, for objects of mutual and general interest. The government had already been sustained under severe trials, arising from the French revolution; from the monopolizing spirit of England; from party disputes and collisions among the people; from a war, which many deemed unnecessary, and which added largely to the public taxes. There had been times of apprehension, but the vigilant and generous patriotism of the people proved sufficient to remove them. And if the general government ever assumed powers, not vested in it by the Constitution, which was the instrument and choice of the people, the individual States interposed their remonstrances, and the evils feared were removed.

Early in the session, a proposition was made for an additional article to the Constitution, respecting the election of President and Vice President of the United States; so that there might be a choice by the people, or their electors chosen by them, and in no event to be referred to the members of Congress. Several plans were proposed for this purpose; and that which received the principal support, provided for a second voting by the electors, if no choice were made on the first trial. It was also proposed, that if the choice should devolve on Congress, it should be decided by the majority of votes of both Houses meeting in Convention. The subject was long debated in the Senate, and a general desire expressed to prevent an election by the members of Congress, instead of effecting it by the electors chosen by the people in the several States. No plan proposed, however, met the approbation of the majority of the Senate; and on motion of Mr. King of New York, the subject was indefinitely postponed, by a vote of 30 to 13.

A bill was before Congress again, at this time, for abolishing imprisonment for debt, where the poor debtor was owing the United States, and no fraud was alleged; and after repeated discussions, it was passed by the Senate, but did not then receive the sanction of the House of Representatives.\* Its passage in the Senate gave great satisfaction to every true philanthropist; and was justly considered a triumph of the cause and principles of humanity.

\* The bill was not debated in the House, at this session; it did not come before that branch of the legislature in time sufficient for due consideration.

The last regular annual message of President Monroe, addressed to Congress, December, 1824, presented a view of public affairs and of the condition of the United States, highly satisfactory and gratifying to the friends of the federal government. The labors and enterprises of the citizens had been attended with uncommon prosperity: the usual operations of government had been effected both with fidelity and tranquillity; the people universally manifesting a spirit of due subordination and of regard for constitutional authority: the national finances adequate to former appropriations, and to all proper expenditures, as well as to the gradual redemption of the public debt, as previously estimated: the Union was evidently dear to the people, and strengthened by their cordial support: the policy adopted and pursued towards foreign nations had proved to be wise and just; such as to disarm them of old jealousies, and to conciliate their amity, both in a commercial and political intercourse. "By a happy distribution of power," said the President, "between the national and State governments, which rest alike on the sovereignty of the people, and seem fully adequate to the great purposes for which they were respectively instituted, causes which might otherwise lead to dismemberment, operate powerfully to draw us closer together." "And as to foreign nations," he said, "it has been the invariable object of this government to cherish the most friendly relations with every other power, on principles and conditions which might render them permanent. A systematic effort has been made to place our commerce, with every nation, on a footing of perfect reciprocity; to settle with each, in a spirit of candor and liberality, all existing differences; and to remove, as far as possible, all causes of future variance."

The President gave Congress information of the failure of attempts, by the commissioners of the federal government and Great Britain, to ascertain and fix the boundary line between the British provinces on the northeast, and northwest, and the United States, as proposed in the fifth article of the treaty of Ghent; and of an agreement between the two governments, to establish the line by amicable negotiation; and he expressed his belief that it would be thus satisfactorily adjusted. Had more decision been exhibited for a speedy adjustment of this subject, as probably would have been, if any danger of a war on that account had been then apprehended, the difficulties, which subsequently occurred, would have been avoided. The British government then, as since, appeared disposed to delay a



decision, in the hope, probably, of obtaining a part of the territory in dispute.

He again referred to the slave trade, still pursued to a considerable extent, and expressed a strong desire in favor of any and every practicable method, which would be adopted, to put an end to a traffic so revolting to the friends of humanity through the civilized world. It appeared that negotiations had been renewed on the subject, and a convention concluded in London, in March, 1824, by plenipotentiaries duly authorized by both governments; but that obstacles had occurred to its ratification which had not been removed. The greatest if not the only difficulty was to be found in the proposition of the British government to subject the vessels of both nations, suspected of being concerned in the traffic, to a search by the armed ships of either. An apprehension of the abuse of this right prevented the American government from assenting to the proposal. But, to avoid an explicit concession of that kind, it was proposed by the latter, to consider the traffic as piratical; it being intended thereby, to place all offenders in this respect, beyond the protection of their respective governments.

Commercial treaties were concluded between the United States and several European nations, about this period; as Russia, Prussia, Sweden, the Netherlands, and with some of the Hanseatic cities; and in referring to them, the President said, "that our commerce was placed on a footing of perfect reciprocity by these treaties." And he added, "the principles on which the commercial policy of the United States is founded, are to be traced to an early period. They are essentially connected with those, on which their independence was declared; and owe their origin to the enlightened men who took the lead in public affairs at that important epoch.\* They are developed in the first treaty of commerce with France in 1778;† and afterwards by a for-

\* This was a high compliment to the wisdom of the patriotic statesmen who composed the first continental Congress; and as just as it was grateful.

† The treaty of commerce with France, February, 1778, recognized, as the basis of their agreement, "the most perfect equality and reciprocity;" and "carefully avoided all those burthensome preferences, which are commonly sources of debate, embarrassment, and discontent; leaving each party at liberty to make those interior regulations, respecting commerce and navigation, which it should find most convenient to itself; and by founding the advantage of commerce solely on reciprocal utility and the just rules of free intercourse; reserving to each party the liberty of admitting other nations to a participation of the same advantages."

mal commission,\* at the close of the revolutionary war, for the purpose of negotiating treaties of commerce with the nations of Europe. The act of Congress, of March, 1815,† on the return of peace, was a new overture to foreign nations, to establish commercial relations with them on the basis of free and equal reciprocity."

The United States entered into a treaty with Russia in 1824, "for ascertaining and defining the limits and rights of the respective nations, in the northwestern parts of America." The Emperor of Russia, not long before, had laid claim to a large portion of western America, and the sole right to navigate the ocean and seas adjoining. Collisions had sometimes occurred between the citizens of the United States and the subjects of Russia, navigating and trading on and near the coasts. These claims were opposed by the federal government, and a treaty on the subject was concluded, as above mentioned; by which the boundary line between the two nations was agreed to be in north latitude fifty-four degrees and forty minutes. It was also agreed, "that neither power should be disturbed or restrained, either in navigation or in fishing, at places not before occupied by either, for the purpose of trading with the natives—that the subjects and citizens of each should not resort to places where establishments had been respectively made by them, for trade, without permission from the commander of the settlement—but that for ten years, the ships of both powers might frequent, without interruption, the interior seas, gulfs, or harbors on the coasts, for the purpose of fishing and trading with the natives."

As the close of his administration was approaching, the President seemed to have considered it proper to exhibit a full and particular statement of the debts and finances of the federal government. It was stated in his message,

\* The principles and doctrines herein recognized and approved, were favorable to free trade, and opposed to monopolies and restrictions; and in 1785, Mr. Adams, the first minister to England from the United States, proposed these principles as the basis of a commercial treaty with Great Britain. But they were entirely rejected by the British ministry. They were contrary to the policy of that government; and the state of America was then such, that England derived great advantages from trade without any treaty.

† This act provided, "that former discriminating duties on tonnage and on goods, between those of the United States and of foreign countries, by which a much higher rate was imposed on those of the latter, should be removed, on a repeal, by any foreign government, of their discriminating and countervailing duties, detrimental to the United States, and the public declaration thereof by the President on such an event."

“that, exclusive of loans for the purpose of reducing the rate of interest paid by the government, the receipts into the treasury for the year 1824, were eighteen and a half millions, and that there was a balance in the treasury, on the first of that year, of nine millions and a half—that, after the current expenses for support of the government, and disbursements for claims for Spanish spoliation, for fortifications, for the army and navy departments, for surveys relating to proposed national works, interest on the public debts, and eleven millions and a half applied to the sinking fund,—there would be, by estimation, a balance of three millions in the treasury on the first of January, 1825. It was estimated that the receipts for 1825 would amount to a sum sufficient to meet all the expenses of government, if on a similar plan of appropriations for the various departments, and leave ten millions for reducing the public debt. A reduction of forty-four millions of the national debt had been already effected since the year 1817; although great appropriations had been necessary, during that period, for the support of the government, increase of the navy, for the army and forts, and for purchases of Indian lands. The amount of the debt was estimated at a little less than eighty millions; and a calculation presented, showing it to be probable, that, with the usual receipts into the treasury, the continuance of peace, and common prosperity in commercial enterprise, the whole might be extinguished within ten years.

The President referred to the condition of the Indian tribes within the territory of the United States; to the relations then existing between them; and to the policy of the general government in its treatment of these uncivilized people. The policy early adopted by the government, in its conduct towards these uncultivated tenants of the forests was founded in friendly and benevolent views; and it was pursued by the several administrations, except where the claims of individual States embarrassed the government, and sometimes led to severe treatment of the native tribes. The object of government was to treat them with justice, but to purchase such tracts of land as they were willing to sell and abandon; and at the same time to provide for their improvement by encouraging schools and the arts of agriculture and civilization among them. Congress had passed no laws designed or tending to injure or oppress these tribes; the administration had issued no orders interfering with their rights; and yet the agents of the gov-

ernment were some times charged with deceiving and defrauding them : and several of the States, within whose territories they resided, in their desire to remove them, were accused of treating them with great severity and injustice. When the tribes refused to remove, as it was alleged they had agreed to, within a convenient time, the State authorities, in some instances, undertook to regulate their concerns and to legislate over them ; which was the cause of much complaint on the part of the Indians. The appeals of States thus situated, as well as of the native tribes, occasioned great perplexity and difficulty to the federal administration. And in some cases, perhaps it pressed the removal of the Indians unreasonably, from a desire to satisfy the demands of the States where they resided.

The general government had always manifested a desire to do justice to the aboriginal tribes ; and large sums were voted and expended for their benefit, in payment of the lands purchased of them. Efforts were repeatedly made with a view to their social and moral improvement ; but were not attended or followed by any permanent benefit : in a few instances only were they beneficial. An act was early passed for their civilization ; and under its provisions, more than thirty schools had been established among them, before 1825 ; and such as would attend were instructed also in agriculture and the ordinary arts of life. Since that time most of the tribes have been removed to lands west of the Mississippi, which were allotted to them by the general government, with a view and a solemn agreement to their continuance in the new territory, without interference as to the title of the lands, or to their internal police. Justice requires that these agreements should be strictly observed and fulfilled on the part of the United States.

A resolution was offered in the Senate, (February, 1825,) by Mr. King, of New York, proposing, that, after the payment of the funded debt, for which the public lands of the United States were pledged, should be made, the proceeds of the sale should be applied to the emancipation of such slaves within any of the United States, and to aid in the removal of such free persons of color, as by the laws of any were allowed to be emancipated or removed, to any territory without the limits of the United States. But the subject did not receive the consideration which its great national importance seemed to demand. The resolution did not interfere with the laws and usages of any State relating to slaves. Had it been adopted, the effect would have

been similar to that which the Colonization Society have in view ; and would have secured public funds for the purpose. There could be no constitutional objection to the measure. The appropriation might be as justly made for this object as for education or internal improvements. But whenever the subject of slavery has been introduced into Congress, it has excited great sensibility, and produced collisions between members from different parts of the country, which the more prudent and conciliatory wish to avoid.

Mr. Monroe was not so great a philosopher as Jefferson, nor so learned as Madison ; but he possessed more practical knowledge, or was more desirous of pursuing that which was useful than of adopting new theories, or of supporting his own speculative views in opposition to public opinion. He faithfully strove to defend and to promote the great interests of the republic ; but sought not for impracticable good, in ways discovered only to his contemplative imagination. He had as much regard for humanity, and was as sincere a lover of his kind, as Mr. Jefferson ; but he followed more truly the beaten path of common sense, and adhered more cautiously to the plain maxims sanctioned by experience, and shown by past history to be essential to the welfare of society.

## CHAPTER XII.

Mr. Adams elected President by the House of Representatives. His Political Views and Policy similar to those of Mr. Monroe. His eminence as a Statesman. In favor of Internal Improvements. The Minority Opposed to him, Large and Powerful. Unjustly charged with Extravagance in Public Expenditures—And with a disposition to accumulate Power by the General Government. Attentive and able in his Negotiations. Made few appointments by the removal of Public Officers. Difficulties with State of Georgia, relating to the Indians in that State. Objections in Congress to Expenditures for internal Improvements, and Surveys for Canals, &c. Discussions respecting a new Tariff of Duties; And the Protection of Domestic Manufactures. Envoys to Republics of South America—to Congress of Panama. Judiciary Department. Officers entitled to Half Pay. Grants of Public Lands for Schools.

JOHN QUINCY ADAMS, of Massachusetts, was advanced to the presidency of the United States, in March, 1825. There was no choice by the State electors; and the election devolved on the House of Representatives, as provided by the Constitution, in the event of such a failure. Mr. Adams was one of the two candidates,\* who received the greatest number of votes for the presidency; a majority of States, as represented in the House, were cast for him, on the first trial in that body.

The political views and opinions of Mr. Adams did not differ, in any very important points, from those of his predecessor. The policy and measures of President Monroe were continued by the present administration. They were long associated in the public service, more or less nearly, both at home and abroad. No important measures of the administration of Mr. Monroe, it was believed, were adopted without the advice or consent of the Secretary of State, the place held by Mr. Adams in the cabinet, during the presidency of the former.

No man in the country had a higher character, as a politician, than Mr. Adams. The education given him by his illustrious father, President John Adams, was designed to qualify him for the duties of public life, and to make him eminent as a statesman. And he faithfully improved his

\* Andrew Jackson, of Tennessee, was the other; and in 1829, he succeeded Mr. Adams.

early advantages. He made great acquirements in general literature; and in diplomacy was equal to any individual of his age and time. The science of civil government was familiar to him; and he had a strong attachment to republican institutions.

On one point, perhaps, he differed from his immediate predecessor. He expressed less regard for State rights, or allowed more power to the general government, according to his construction of the Constitution, than Mr. Monroe did. The latter considered the United States government strictly *federal*; the former viewed it rather as a consolidated, or national one. In their public measures, however, this difference of opinion did not often lead to the exercise of greater power by one than the other. The Constitution was the guide of both; but one might approve an act of Congress for internal improvements, from which the other would probably have withheld his assent, from scruples, as to the constitutional authority of the federal government for such enterprizes. Owing to opinions before formed, unfavorable to Mr. Adams, whether just or unjust, and some circumstances connected with his election, the minority, dissatisfied with his elevation to the chair of the Union, was large and powerful: and a portion of them early discovered a disposition to embarrass or misrepresent his measures. But another portion adopted the language of one of his rivals for the Presidency, and said, "let him be judged by his measures." He selected men of ability to assist in the administration of the government. The federal legislature was almost equally divided, as the political adherents or opponents of President Adams; and an influence was exerted, sufficient to perplex the ablest statesman. The public concerns of the United States, both as to foreign relations, and to the finances of the government, had been so well directed by President Monroe, that no questions of great difficulty presented for solution, or calculated to excite strong party feelings. It was only necessary to pursue the policy and course already adopted, and to carry out the views expressed and the plans recommended by the preceding administration.\*

\* President Adams did no more than justice to his predecessor, when he said, in his inaugural address—"The great features of his policy, in general concurrence with the will of the people, has been to cherish peace, while preparing for defensive war; to yield exact justice to other nations, and to maintain the rights of our own; to cherish the principles of freedom and of equal rights wherever proclaimed; to discharge, with all possible promptitude, the national debt; to reduce within the narrowest limits of efficiency the military force;

The opinion of President Adams, touching the powers of the general or federal government, was expressed in the following passage in his inaugural address—"Our political creed is without a dissenting voice which can be heard—that the will of the people is the source, and the happiness of the people the end, of all legitimate government on earth—that the best security for the beneficence, and the best guaranty against the abuse of power, consists in the freedom, purity, and the frequency of popular elections—that the general government of the Union, and the separate governments of the States, *are all sovereignties of limited powers* ;\* fellow-servants of the same masters ; *uncontrolled within their respective spheres ; uncontrollable by encroachments on each other.*"

He referred to former political parties and divisions, and manifested a generous spirit of candor and magnanimity. "Ten years of peace at home and abroad have assuaged the animosities of political contention, and blended into harmony the discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the Union, who have heretofore followed the standard of political party. It is that of discarding every remnant of rancour against each other ; of embracing, as countrymen and friends, and of yielding to talents and virtue alone that confidence, which, in times of contention for principle, was bestowed only upon those who bore the badge of party communion."

As the highest official agent in administering the general government, Mr. Monroe had been constantly attentive and faithful. He was entirely devoted to the great interests of the nation, committed to his guidance and superintendence. And the republic was honestly and ably served during his presidency. Mr. Adams was no less devoted to the public welfare, and to the discharge of the high duties which his exalted station imposed. His first message to Congress, presented in December, 1825, gave a very full and correct view of "the concerns of the country with reference to all

to provide and sustain a military academy ; to improve the organization and discipline of the army ; to extend equal protection to all the great interests of the nation ; to promote the civilization of the Indian tribes ; and to proceed in the great system of internal improvements, within the limits of the constitutional power of the Union."

\* This is a different doctrine from those who teach that the States were not sovereignties in their separate capacity, and that this high attribute belongs to them only when united as one republic, one government.



subjects interesting to the public welfare." It was more particular and more extended than the communications of the President on any similar occasion; and yet they had never been deficient or partial in the statement given of the public affairs of the nation.—The internal state of the country was that of entire tranquillity, and its relations with foreign governments were of a pacific character. Nothing had occurred to interrupt the national repose or prosperity. The commercial intercourse with Great Britain and its colonies, was not precisely such as the government of the United States had long wished to establish; but the regulations adopted by neither on the subject indicated any unfriendly disposition. On several other governments of Europe the United States had claims for depredations, which had been committed on the commerce of its citizens, in former years; but there was no reason to apprehend that these disputes would lead to war. It was confidently believed, on the other hand, that negotiations, then and for some time pending, would lead to a satisfactory result; and that indemnity for losses, in most cases, would be granted. The governments on which the United States had such claims were France, Spain, Naples, Denmark, and the Netherlands. By the faithful application of the executive, these demands were, in great part, allowed.\*

As had been done by his predecessor, President Adams referred to the repeated efforts made, on the part of the United States, for forming commercial treaties with the powers of Europe, where trade and navigation was pursued, by American citizens, on terms of reciprocity; but which had not in all cases been attended with the success desired; and yet several European governments had then recently met the propositions of the United States for regulating commerce in a more liberal spirit, than was manifested some previous years. While an Envoy in Europe at different periods, and afterwards Secretary of State for foreign relations, Mr. Adams had strenuously contended for placing the commercial intercourse of the United States, particularly with Great Britain, on more just and equal principles than that nation was willing to recognize and adopt. The trade of England with most other parts of the world had long been pursued on exclusive or monopolizing maxims, which

\* These depredations on the commerce of the United States were committed principally by French vessels,—some before 1800, but most of them several years later—and were taken into the ports of other nations, as well as France, where they were unjustly condemned. The French government had then command of the ports in several other kingdoms in Europe.

contributed chiefly to its own wealth and prosperity. The state of the national finances had received no material change during the preceding year; but continued in the same prosperous condition as represented by Mr. Monroe, the last year of his administration. The revenue for 1824, had exceeded the anticipations of the treasury department; and the receipts amounted to nearly twenty-two millions, independently of the sums authorized to be taken as loans.\* The expenditures for the same year, exceeded that amount by nearly two millions; but there were about two millions in the treasury, at the beginning of the year; eight millions of the above sum total had been applied to pay the public debt; and more than a million and a half had been "devoted to pay the debt of gratitude to the warriors of the Revolution." The expenditures for the year included several large sums, which could not be justly considered as making part of the ordinary support of government. Four millions had been applied to pay the interest on the public debt: half a million for the increase of the navy; more than a million for fortifications and the purchase of ordnance; half a million for Indian annuities and purchase of their lands; and somewhat over a million for internal improvements and surveys, authorized by particular acts of Congress—leaving only seven millions expended for the more immediate support of the government, in its legislative, executive, and judicial departments.

The receipts from the sale of public lands, which had been sold some time before, amounted to nearly two millions; and the President expressed the opinion, that the sums received from this source in future years, would increase. He recommended forbearance, on the part of the government, towards those who had previously purchased in small lots, for actual settlement.

The President was authorized by acts of Congress, passed at a former session, to form treaties of friendship and trade with the Indian tribes west of the Mississippi; and also with several tribes far to the north, viz: the Sioux, Chippewas, Sacs, Foxes, and Menomenees: which he now notified Congress had been concluded; and that large additional tracts of land had been purchased of them. He had been also authorized to enter into a treaty with the

\* The exports for 1825 amounted to upwards of ninety-two millions; and sixty-six millions were of domestic productions; a part of which were manufactures, but far the greater portion products of the soil. The imports for the same year somewhat exceeded ninety-one millions. The exports were of greater amount, than in any former year.

Creeks and other tribes in the vicinity; and to survey and make a road from the frontier of Missouri to new Mexico. But their consent had not then been procured.

The President referred to the memorable treaty made with some chiefs and individuals of the Creek nation or tribes, at the Indian Springs, in February, 1825; and its subsequent ratification by the Senate in March; "under the unsuspecting impression that it had been negotiated in good faith." A portion of the tribe remonstrated against the treaty, and declared they were not consulted as to the terms on which it was concluded.

A great excitement was produced among them on this account; and was a source of much perplexity to the general government. The majority of the tribe was opposed to the treaty; but the State of Georgia, which wished to have the Indians removed, and to have possession and jurisdiction of their territory, insisted on the fulfilment of the terms, which were highly beneficial to that State, and matter of just complaint with the tribe.

They complained particularly of severe and oppressive treatment from the government of the State of Georgia; and of having been deceived by the agents employed to form a treaty with them the year preceding. It was alleged, that those of their tribe who assented to the treaty of February, 1825, were but a small part of the nation; and that a large majority were opposed to it. That treaty had been ratified by the executive soon after, (March, 1825,) in the belief, that it was made in good faith, and was agreeable to the greater part of the tribe. A delegation from the tribe proceeded to Washington, early in the year 1826, to make a just statement; to have the treaty of 1825 annulled; and to conclude one on such terms as would be agreeable to the wishes of the nation.

There had long been a dispute between these people and the State government of Georgia, which claimed the territory where they resided. The claims of that State were considered very extravagant, as they extended over the whole territory west of the Mississippi river. That State was the last to cede to the United States a wild but extensive territory, occupied by Indian tribes, for the benefit of the whole nation. The territories ceded by the several States, were indeed but a relinquishment of their respective claims; and Congress had only the pre-emptive right, by virtue of such cessions.

In 1802, a contract was made by the federal government with Georgia; by which that State ceded land to the United

States, or to the State of Mississippi, which was then only a territorial government; and the residue claimed by Georgia, Congress engaged to guaranty to that State, to extinguish the Indian claim; and to have them removed *as soon as it could be done peaceably and on reasonable terms.*"

The federal government, which had been invariably desirous of observing good faith with the Indian tribes, and had treated them with much lenity and kindness,\* was fully disposed to do justice to the Creeks in their dispute with Georgia, which had now become impatient, that the Indians were not removed, and its occupancy and jurisdiction of the territory confirmed. Georgia strongly urged on the government of the United States the fulfilment of its former promise to be put in possession; and as the tribe remained, insisted on exercising jurisdiction over them; and set up a claim also to have the boundary line between that State and Mississippi farther west than had before been fixed. Hence much difficulty was given to the administration, which was equally desirous to satisfy Georgia, and to do justice to the Creeks. The governor of Georgia insisted on the removal of the tribe, and threatened to take possession by force of the territory, which the State claimed, and then occupied by the Indians. It was in contemplation of the executive to resort to force, to prevent these proceedings on the part of Georgia. At one period, there appeared imminent danger of a collision. But a new treaty was concluded, at Washington, by the federal government with the chiefs of the Creek tribe, in March, 1826; and the military was not called out, as was apprehended at one time would be done. The last treaty or contract with the Creek tribe was confirmed in the Senate by a vote of thirty to seven. The treaty stipulated for the payment of a large sum to the tribe, and to guaranty the lands, not expressly ceded by them.† The difficulty was thus adjusted for some time; but disputes arose soon after, with that and other tribes in the vicinity respecting their removal.

\* The conduct of individuals or even of its own agents, the government could not always control, nor wholly prevent their wrong doings in all instances.

† When the House of Representatives passed the bill making appropriations to carry into effect the treaty made with the Creeks in 1826, the members from Georgia opposed it, and entered their protest against it in form; stating, that in their opinion it was unconstitutional, that the former treaty of March, 1825, was the law of the land; that the treaty last concluded was injurious to their State, and ought not to have been confirmed, but with the approbation of Georgia.

By this treaty, it was agreed to furnish various articles to such of the tribes

In April, 1825, an act was passed for surveys, under the direction of the President, for the purpose of internal improvements, to be confined, however, to works of a national character: and Congress was informed in the annual message at this time, that the Board of Engineers had been employed a great part of the year 1825. They had completed the surveys necessary to ascertain the practicability of a canal from the Chesapeake bay, to the river Ohio; and had also made progress in surveys for a national road from the seat of the federal government to New Orleans; and for uniting the waters of the lake Memphremagog with the Connecticut river.

Surveys for other works of national importance had then been partially made: as the continuation of the Cumberland road farther west; a road from Missouri to Mexico; and roads in the territories of Florida, Arkansas, and Michigan. The latter, being under the immediate and sole government of the United States, was believed to justify these expenditures for the construction of public roads. The members of Congress, who opposed appropriations for internal improvements, generally approved of the surveys and works mentioned above.

After referring to the progress made in surveys for national roads and canals, the President expressed an opinion in favor of internal improvements in a more enlarged and extended manner. He spoke of the acts of European governments, designed for the general advancement of science, and of works of public benefit, in a national view, as they added to the strength, prosperity, or ornament of the respective countries. And he intimated, that the general grants of power to the federal government in the Constitution would authorize the appropriation of the public funds to various works of national importance and convenience. His predecessor had expressed doubts of the constitutional power of Congress for such objects, except in cases of manifest public necessity and general interest. "The great object of the institution of civil government"—said Mr. Adams, when alluding to this subject—"is the improvement of the condition of those who are parties to the social compact: and no government, in whatever form consti-

as would, within two years, remove to the west of Mississippi, their expenses of removal, and also a support for one year after their settlement. A part of the Creeks then expressed a disposition to remove: and commissioners were to be appointed by the United States to join with the chiefs of the tribe, to survey and locate a tract for them; which was to be without the bounds of any State or territory, and to be permanently and inviolably secured to them.

tuted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions, and multitudes of men, are among the most important means of improvement. But moral, political, intellectual improvement, are duties assigned by the Author of our existence, to social no less than to individual man. For the fulfilment of those duties, governments are invested with power; and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated power is a duty as sacred and indispensable as the usurpation of power, not granted, is criminal and odious. Among the first, perhaps the very first instrument, for the improvement of the condition of men, is knowledge; and to the acquisition of much of the knowledge, adapted to the wants, the comforts, and the enjoyments of human life, public institutions and seminaries of learning are essential."

These were very correct and important sentiments. But the question arose, whether the federal government was instituted for such purposes; or had authority from the Constitution to expend the public funds for these various objects. The State legislatures, if true to their constituents, would not fail to provide for such benefits and improvements. But the general government was not instituted with a view to these objects. It is one of limited or specific powers. And many, probably the majority of Congress and of the people, believed the federal legislature was not vested with authority to construct works of internal improvements, unless of a national character, and such as a State was not competent to accomplish. If the general grants of power were construed in an unrestricted sense, there would be no limits to the legislation of Congress, even in the most minute and local respects. In another part of this message, the President said—"The Constitution, under which we are assembled, is a charter of *limited* power."

The naval force of the Union—the message stated—had been employed during the year in the Mediterranean, the West Indies, and the coast of South America: one public ship had been occasionally cruising on the coast of Africa, and one on the coast of Labrador and the fishing grounds of Hudson's bay. The importance of a naval force, for the protection of the extensive and increasing commerce of the United States, was urged on the consideration of Congress, with great emphasis. The President said—"it was the

only arm, by which the power of our confederacy could be estimated or felt by foreign nations, and the only permanent military force, which will not be dangerous to our own liberties at home."—"A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will still deserve serious deliberation. Our navy, commenced at an early period of our present political organization, upon a scale commensurate with our incipient energies, the scanty resources and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first; and with one of the principal maritime powers of Europe. At a period of further advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war, that, by the number and force of the ships of which it was composed, it could deserve the name of a navy; and yet it retains nearly the same organization as when it consisted of only five frigates. The rules and regulations, by which it is governed, urgently call for revision; and the want of a naval school of instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation."

Mr. Adams recommended the establishment of an additional executive department, at this time, to be denominated the interior or home department; as the duties of the Secretary of State had much increased, and the foreign affairs of the United States would require his whole time. He also considered a revision of the Judiciary highly necessary, on account of the increased and extended population of the country, since its first establishment. And he suggested the expediency of establishing a military post at the mouth of Columbia, or Oregon river; and of a more full exploration of the northwest coast of America, than had before been done.

The President made a proposition to Congress, at this time, of great political interest. It was that the United States take part in a Congress, to be held at Panama, to be composed of delegates from the republics of Mexico, Colombia, and Central America; to deliberate on subjects of importance to each, and in which the welfare and in-

terest of all might be involved. These republics had agreed to hold such a meeting,\* and had invited the United States to be there represented by its ministers or delegates. This invitation had been accepted by the President; and he gave Congress information, that ministers would be commissioned to attend and to take part in the deliberation, so far as might be compatible with the neutral state and character which it was the interest and intention of the federal government to maintain.

This proved a subject of much discussion in Congress; and several members complained, that the President had exceeded his constitutional authority, by accepting the invitation to join in the Congress proposed. It was contended, that he should have had an opinion of Congress in favor of a declaration to accept it; especially, the approbation and advice of the Senate for such a measure. Congress had, indeed, two years before, passed a resolution authorizing the President to appoint a minister to either of the South American republics, which had asserted and long maintained their independence, if in his opinion it should be proper for purposes of trade, or the welfare of the United States. But the present proposal was of an entirely different character, and not justified by the former resolution of Congress. For this plan might commit the peace of the Union, and involve the country in a war, provoked or occasioned wholly by the conduct of the South American republics. And it was believed, that, for the purposes both of commerce and of friendship, an Envoy at each separate republic would be sufficient. The President had indeed observed, that the Envoys sent to the proposed Congress would be instructed not to enter into an alliance merely political, or for the purpose of uniting the destinies of the United States with those of the republics in the south; but he believed it might be of great benefit to the nation to have delegates present at the intended meeting, if they did not take so full and decided a part in the proceedings as those who had invited them should desire, nor give any pledges of an alliance of any sort. The House of Representatives called for further statements from the President, as to the views of those who proposed the Congress of Panama, and invited the United States to take part in the meet-

\* It was supposed to be first suggested by General Bolivar, some time at the head of the republic of Colombia; and that Peru and Chili should also join in it. The views of Bolivar were to form a close alliance, and to pledge mutual assistance to resist European aggressions.



ing; and also as to his views respecting the powers and instructions he should give to such delegates, if they were commissioned. So far as the views of the President were expressed in his public message, they were not liable to exception, but were just and prudent; nor did it appear that he was more disposed to assent, or to establish any connection with the new republics in the south, than his predecessor had been.

The committee of the Senate, which had the subject under consideration several weeks, reported, in March, that it was inexpedient to send Envoys from the United States to the proposed Congress. But the report was not accepted; there being only nineteen votes in favor of the report, and twenty-four against it. And the nomination of two persons, as delegates to the meeting at Panama, was then confirmed by a similar majority of the Senate. One of them, Mr. Sargent of Pennsylvania, afterwards proceeded on the mission; but the Congress was not holden as had been proposed. Perhaps it was fortunate for the character and welfare of the United States, that it failed. It would have jeopardized the peace of the nation, and have also been a deviation from the settled policy of the government to form a confederacy of any sort with the Mexican and South American republics; commercial objects could be sufficiently promoted by separate treaties with each. And having accepted the invitation to attend the Congress, and commissioned agents to be present, the United States seemed to give a pledge to take part in the designs of the confederacy; and a refusal then to unite in the general objects of the Convention would have given offence, and produced future difficulties. It was evidently the desire of those who invited the United States government to send deputies to the Congress of Panama, that it should unite effectually with the new republics in the south, for political purposes,\* even to a forcible resistance to any efforts by European governments to establish their former power over those provinces. But to this the people of the United States were strongly opposed; and therefore generally disapproved of the federal government taking any part in the projects or deliberations of that convention.

The motives of the executive were admitted to be laudable and patriotic; and his ready acceptance of the invitation to have delegates from the United States in the pro-

\* A treaty of amity and commerce was made with Colombia, in October, 1824; and with Central America, in December, 1825.

posed Congress, was proof of his desire to favor and support the great cause of civil liberty; but the conduct of the President was not approved, in declaring that delegates should attend, without having the express sanction of Congress, or the previous opinion of the Senate in favor of the measure. It was said, that the President had exceeded his constitutional power, by promising to send delegates to the proposed Congress, without knowing the views of the Senate, the co-ordinate branch of government, possessed of authority to form treaties. And that, as, the powers of the delegates to such a body as the Congress of Panama was understood to be, would far exceed those of common Envoys, and might lead to most important and extensive results, affecting the future destiny of the United States, a solemn act of the national legislature would be necessary to justify the measure. An objection was also made to the measure, from the consideration that the question of slavery was to be discussed in the Congress proposed. This objection was urged by members of the Senate from some of the slave holding States, who believed that principles might be recognized on the subject, and plans concerted, which would interfere with the continuance of slavery in any part of the United States; which would be contrary to the spirit of the federal Constitution, and produce incalculable evils in the southern parts of the Union.

Had the declarations of the President, contained in his message relating to this subject, been carefully and candidly considered by the members of Congress, there probably would have been less censure expressed as to his conduct. Whether the measure was a wise one, was indeed a question of very great importance, and required mature deliberation, as it might be followed by results injurious to the welfare of the United States. And it was, therefore, a proper subject of consideration with Congress, whether delegates should be sent to the Convention at Panama. But an opinion different from that given by the President, might have justly been expressed by members of Congress, without impeaching the judgment or the motives of the executive. That the President proposed no more than to employ Envoys to attend the meeting at Panama, where the republics of Mexico, Central America, (Guatemala,) Colombia, Peru, and Chili, would be represented, will appear from a reference to his message to Congress on the subject. "With regard to the objects in which the agents of the United States are expected to take part in the deliberations of that Congress, [at Panama,] I deem it

proper to premise, that these objects\* did not form the only nor even the principal motive for my acceptance of the invitation. My first and greatest inducement was, to meet in the spirit of kindness and friendship, an overture made in that spirit by three sister republics of this hemisphere.

"Among the topics enumerated, as intended to be presented for discussion at Panama, there is scarcely one in which the result of the meeting will not deeply affect the interests of the United States. Even those in which the belligerent States alone will take an active part, will have a powerful effect upon the state of our relations with the American, and probably with the principal European States. Were it merely that we might be correctly and speedily informed of the proceedings of the Congress, and of the progress and issue of their negotiations, I should hold it advisable that we should have an accredited agency with them, placed in such confidential relations with the other members, as would ensure the authenticity, and the safe and early transmission of its reports. Of the same enumerated topics are the preparation of a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian powers; and to form a convention of navigation and commerce, applicable both to the confederated States and to their allies. Most of the new American republics have declared their assent to the doctrine, that no European power has a right to establish *future* colonies in either continent of America; and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American governments.

"In alluding to these means, it would obviously be premature at this time, to anticipate that which is offered merely as matter for consultation: or to pronounce upon those measures which have been or may be suggested. The purpose of this government is to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional agreement on this topic, our

\* So far as stated by the authorities of Colombia, which gave the invitation, the objects were political as well as commercial; and had in view an alliance for the defence of republican principles and institutions, in opposition to any interference from European governments. But there was some vagueness in the language of the paper containing the invitation; and this was one objection to sending any agents to Panama.

views would extend no further than to a mutual pledge of the parties to the compact, to maintain the principle, in application to its own territory, and to permit no colonial lodgments, or establishment of European jurisdiction upon its own soil—and with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and perhaps still is exercised in more than one of the new States, a joint declaration of its character, and exposure of it to the world, may be probably all that the occasion would require. And whether the United States should or should not be a party to such a declaration, may justly form a part of the deliberation.

“That there is an evil to be remedied, needs little insight into the secret history of late years, to know, and that this remedy may be best concerted at the Panama meeting, deserves at least the experiment of consideration. A concert of measures, having reference to the more effectual abolition of the African slave trade, and the consideration of the light in which the political condition of the island of Hayti is to be regarded, are also among the subjects mentioned by the minister from the republic of Colombia, as suitable for deliberation at the proposed Congress.

“And lastly, the Congress of Panama is believed to present a fair occasion for urging upon all the new States of the south, the just and liberal principles of religious liberty; not by any interference whatever in their internal concerns, but by claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences.\*

“Under all these circumstances, the government of the United States, far from consulting the dictates of a policy questionable in its morality, yielded to an obligation of duty of the highest order, by recognizing as independent States, nations, which after deliberately asserting their rights to that character, have maintained and established it against all the resistance, which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means, which she may yet be disposed or en-

\* While this declaration was deemed highly honorable to the President, as a man and a Christian, it was considered by some individuals to be improper in his official station, as chief magistrate of a political government, which had no authority in religious concerns; and as delegates of the United States would attend, if they attended at all, chiefly for commercial purposes.

abled to use, with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with a view to the regular establishment, with the nations newly formed; of those relations, political and commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another.

"I can scarcely deem it otherwise than superfluous to observe, that the assembly will be, in its nature, diplomatic, and not legislative: that nothing can be transacted there obligatory upon any one of the States to be represented at the meeting, unless with the express concurrence of its own representatives; nor even then, but subject to the ratification of its constitutional authority at home: the faith of the United States to foreign powers cannot otherwise be pledged. I shall, indeed, in the first instance, consider the assembly merely as consultative: and although the plenipotentiaries of the United States will be empowered to receive, and refer to the consideration of their government, any proposition from the other parties in the meeting, they will be authorized to conclude nothing, unless subject to the definitive sanction of this government, in all its constitutional forms. It has therefore seemed to me unnecessary to insist, that every object to be discussed at the meeting, should be specified with the precision of a judicial sentence, or enumerated with the exactness of a mathematical demonstration." \*

\* Very elaborate speeches were made in Congress, while this subject was under consideration. In favor of having delegates from the United States in the proposed meeting at Panama, were Webster and Everett of Massachusetts, Verplanck of New York, McLane of Delaware; and opposed to it, Barbour, Rives and Archer of Virginia, Hamilton and McDuffee of South Carolina, and Forsyth of Georgia. In the course of the debate, various amendments were proposed to the resolution, the most material was one offered by McLane of Delaware, to this effect—that no promise or pledge be given by the delegates, by which the United States would be bound to take part in any disputes between the South American States and Spain; or to enter into any political alliance. The amendment was opposed, as it was believed to interfere with the prerogative of the executive.

The following remarks on the message of the President to Congress—in which he stated his views, at great length, respecting the proposed meeting, at Panama, of delegates from the United States, Mexico, and the republics of Central South America—appeared in a London paper of April following:

"A more important state paper has rarely been submitted to public consideration. It announces, with great distinctness, the policy intended to be pursued by the United States, in their intercourse with the new nations of America: and its tone, (with some slight exceptions,) is sufficiently calm and moderate. Our only doubt is, whether the actuating spirit of the whole, be not a larger ambition than perhaps the President would, even to himself, be disposed to own.

Much of the time of Congress, during the months of January, February, and March, of this session, (1826,) was occupied in discussing propositions to alter the Constitution, relating to the election of President, with a view to prevent a choice by the House of Representatives, and to provide for the election, by agents of the people in the several States, chosen for that express purpose. The propositions offered on this subject, contemplated a second trial by the

"We have always found a great awkwardness and difficulty in speaking of the United States as a nation, for want of one simple and expressive term by which to designate them. Now that America is divided into several independent sovereignties, it becomes absurd to call any one of them the American government. The people of the United States are now, for the first time, surrounded by communities just rising into political existence; each of which is far inferior to them, in population, wealth, in military and naval force, in science, in experience, in all the elements of power, physical and moral. These nations must of course form a system of international communion with each other; and of that system, the United States evidently wish to place themselves at the head. We do not say, that the desire of influence thus evinced is unnatural; nor do we assert that it is absolutely impolitic; but it does appear to us to demand the vigilance of other great powers; and more especially of the greatest power at present existing, our own. It is perhaps a flattering reflection to those

'Who speak the tongue  
That Shakspeare spoke, the faith and morals bold  
Which Milton held,'

to consider, that, in each hemisphere, the nation manifestly outshining all the others, is British, in birth, and language, and spirit. If the continent of America, with its dependent islands, could be wholly separated, in views and interests, from the other quarters of the globe, we should feel a just national pride, that the sons of our ancestors held, in those remote regions, the balance of power, and guided the march of civilization. Perhaps some such political vision may have crossed the mind of Mr. Adams; for he says, 'America has a set of primary interests, which have none or a remote relation to Europe, and therefore the interference of Europe in those concerns should be spontaneously withheld.' To this doctrine, we cannot entirely subscribe. We admit, that there are many modes, in which the European powers ought not to interfere. For instance, the members of the Holy Alliance should not pretend to dictate to the ex-colonies of Spain any terms of concession, much less of submission, to the mother country: but it is by no means so clear to us, that there are not many primary interests of the American nations, with which it would be no less just or politic in us, than in the people of the United States, to interfere: and, at all events, we should have an undoubted right to oppose the interference of any power whatever, if it were pushed so far as to conflict with our own welfare.

"The President says, 'the first principle which will guide the United States, in their intercourse with the new nations, is *disinterestedness*.' This is, no doubt, highly laudable in intention, and we have only to hope that it will be constantly followed in practice. The next principle is, *good will*, which we see no reason to question. The third, and rather more tangible principle, is *reciprocity*. These are all the principles which Mr. Adams enumerates; but it appears to us, we confess, that the objects, which he afterwards states, as likely to come into discussion at Panama, do not lie within quite so narrow a circle."

people, or their immediate agents, when there should be no choice at the first time of voting. The desire to alter the Constitution in this respect, was the more general and the more earnest, as the then late election of President had devolved on the House of Representatives, in consequence of there being no choice by the electoral colleges in the several States. It was urged, that in the event of an election of President, by the Representatives, there would be an occasion for undue influence, and for intrigue; and it was even pretended, that such influence and intrigue had been exerted in the recent election of the chief magistrate of the Union. There was no evidence of such influence, nor was it even rendered probable that any corrupt measures had been pursued in making the election. But the political enemies of the President seized upon the occasion, to render him unpopular, and to press an alteration of the Constitution, for the purpose of preventing an election by the House of Representatives at any future period. The propositions were various, as to the mode of securing an election by the people, by the several States, and no specific amendment was agreed upon by the requisite majority, to be offered to the people. Many members of Congress were opposed to all the propositions presented for an alteration of the Constitution; believing that the mode pointed out was attended with as little difficulty or danger as any which had been or could be proposed.\*

The question of a general bankrupt law was again discussed during this session of Congress, and there was a prospect, at one period, that a law would have been passed on the subject. Some of the ablest men then in the national Legislature were advocates for such a law, in the belief that it would prove highly beneficial to the merchants and other traders, while it could not operate injuriously to any other classes in the community. The opinion of the majority was favorable to an extension of the provisions and benefits of the bill to other classes of citizens, and different views were expressed with reference to some of the details, and no law was matured on the subject.

The power of Congress to appropriate the public funds for internal improvements, especially for roads, the utility of which were necessarily limited to a part of the

\* Mr. Everett of Massachusetts, opposed the proposition with great ability and eloquence; and contended that the will of the people was as sure to be followed in the present manner of electing the President, as by any method which was proposed.

nation, was under consideration again with the federal legislature, at this time. The question arose on a proposition to expend a further sum for repairing and extending the Cumberland road. This road was considered of great national advantage and convenience; as it furnished a commodious way from the Atlantic settlements to the Ohio river, and to the extensive and populous country in the valley of the Mississippi, west of the Alleghany mountains. Some members favored this project, who were opposed to internal improvements generally, by Congress, on the principle, that the Constitution gave no power for the purpose. On several occasions, when the subject was presented, Congress was nearly equally divided. But after the road was opened and made, it was considered proper, by those who usually voted against internal improvements, that the Cumberland road should be repaired, and put in a good condition for travel; and that it was as proper to extend it still farther west, as to have made it to the Ohio river.

President Madison and President Monroe had been opposed to internal improvements by Congress, except for national objects of evident necessity, or great importance. In March, 1806, when Mr. Jefferson was President, an act was passed for making a road from Cumberland, in the State of Maryland, or near that place, and on the north bank of the Potomac river, to the river Ohio. Afterwards, and at different periods, money was appropriated to finish and repair the road. It was now brought forward in the general appropriation bill, an item of which was eighty thousand dollars for repairs of this road, and also for its continuance farther west. The appropriation was opposed by those who doubted the authority of Congress to expend money for such objects; while others, who were reluctant in voting money for internal improvements on general principles, were in favor of the appropriation in this case, as it would be of great public convenience; and as the road, to be useful at all, imperiously required repairs. In 1820, Congress also authorized the President to cause a road to be laid out from the river Ohio to the Mississippi, which was to be a continuation of the Cumberland road.

The vote, at this time, for an appropriation to repair the Cumberland road, indicated the views of members of Congress on the subject of internal improvements; for it was long discussed, and several members went fully into the constitutionality of this and similar measures. In the Senate, the votes given, were twenty-three in favor and fifteen against the appropriation. And in the House of



the militia of that State were necessary for the defence of the country.

A bill for a uniform system of bankruptcy in the United States, was long debated in both branches of the legislature at this session; and some of the ablest men in Congress advocated it. But after various objections and several propositions to alter the original bill, it was postponed in the Senate, greatly to the regret of the trading and mercantile part of the nation. In all commercial countries, bankrupt laws have operated to the relief and benefit of the unfortunate; and secured to all creditors an equal advantage;\* which cannot otherwise be effected. There must have been some unjust prejudices in the minds of the opponents of such a law; or some misapprehension as to its operation and effect. For it is the only remedy yet found in trading communities, for the misfortunes of honest men. The creditor is not kept out of his demands by the law; for without it, he may receive nothing; with it, he is certain of his share in what estate the bankrupt possesses.

Authority was given at this time for preparing a treatise, at the expense of the federal government, on the culture of the silk worm and of mulberry trees; and for giving information on the manufacture of silk in the United States.—The importation of silk goods amounted to more than seven millions of dollars in 1824; and in 1825, to ten millions; about two millions were exported. In 1821, the amount of this article imported was not more than half that of 1825.†

The message of the President to Congress, in December, 1826, at the commencement of the session, was a full and faithful statement of public measures, and of the political condition of the United States, at that period. It was highly creditable to his ability as a statesman, and his fidelity as a patriot. The members of Congress and the people could not fail to learn from it the true state of the nation, as to its connection with foreign governments, or its internal affairs. In a domestic view, the federal republic was tranquil and prosperous: and with all other countries, it was

\* Forty-five millions of the public debt had now been paid, since 1817—in about eight years, besides other great but necessary expenses: seventy-nine millions remained unpaid, which it was supposed might be cancelled in ten years. Large sums were expended yearly for support of the army and navy, for fortifications, surveys of public lands; and for Indian purchases, which were extensively made from 1822 to 1825.

† It was stated at this time, that in 1774 and 1775, in Georgia, the culture of the mulberry tree and the silk worm had been much attended to; and that 20,000 lbs. of cocoons were sent to England from that colony.

on terms of a friendly understanding; though some subjects were still pending for discussion and settlement between them. The federal government then had treaties with all the nations of Europe; and nothing had occurred to indicate any unfriendly collisions. There were indeed differences of opinion on commercial subjects; but efforts were assiduously made to have them adjusted on terms favorable to the United States. Most of the continental nations of Europe had agreed to commercial intercourse with the United States on principles of a fair reciprocity. On several of them, the American citizens had demands for spoliations during the years of 1812—1815; and for some years previously to that period. These had been repeatedly pressed on those governments, but without success. The claims were not abandoned by President Adams; but, in several cases, under his able administration, they were admitted and allowed. With the French government, there was a good understanding; and in concluding a commercial treaty, it was liberal and friendly towards the United States; but it was very reluctant in yielding to the claims for depredations on the property of American citizens by the government of that nation in former years. Of the friendly disposition of the Russian Emperor towards the United States, the President spoke very emphatically; and referred to the character of the Emperor Alexander, then recently deceased, in terms of high commendation.

The commercial relations between the United States and Great Britain were far from being satisfactory to the government of the former. England had long discovered a selfish or monopolizing spirit on the subject of trade and navigation with America: and various attempts had been made by former administrations of the federal government, to place the commerce of the United States, with that nation, on "a more favorable basis, and to enjoy a real and just reciprocity of privileges and benefits." The trade with places within the kingdom of Great Britain was almost entirely unexceptionable; but the British colonial ports were shut against trade with the United States in American vessels; or was so burthened with duties as to be wholly unprofitable. Countervailing duties had been imposed by the government of the United States; but their operation did not secure the benefits desired; nor remove the disadvantages to the American merchants arising from British restrictions and regulations. President Adams early sent Mr. King\* of New

\* In speaking of this appointment, the President said, "one of our most distinguished citizens has been despatched." And this commendation was

York to the British court, with a view to regulate the commerce between the two nations on more favorable terms than it then was, or before had been. Unfortunately, the state of this minister's health did not admit of his immediate attention to the subject. The same exclusive, unconciliating spirit was also manifested by the British administration at this time; for just before the American minister arrived in England, an order of the British council was issued, excluding the vessels of the United States—after the first of December—from all their colonial ports, excepting those immediately bordering on the territory of the Union. When the minister expostulated on this measure, so unexpected, he was informed, "that, according to the ancient maxims of policy of European nations, the trade of their colonies was an exclusive possession of the mother country: and that all participation in it by other nations was a boon or favor, not forming a subject of negotiation, but to be regulated by legislative acts." The British government thus abruptly declined all discussion respecting the trade between their colonies and the United States: and this measure was the more surprising, in that the only reason given for resorting to it at this time, when a special mission was instituted to adjust the embarrassments attending the colonial trade, was because the United States had not promptly and expressly accepted the terms offered by an act of the British Parliament of July, 1825. In this respect, the government of England discovered a less friendly, or accommodating spirit towards the United States, than towards other nations. The principal difficulty arose from the policy of the British government, in excluding American vessels from their colonial ports, to secure all the advantages of the trade to their own subjects and in their own vessels. To obtain a proper portion of the carrying trade with the British colonies for citizens of the United States, had been the constant aim of the federal government, from its first establishment; but fair and liberal terms were never consented to by the administration of Great Britain. President Adams was as unremitting in his efforts to accomplish the object as any of his predecessors had ever been.\*

justly due to Mr. King. A man of more influence with the British court could not probably have been selected in the whole country: and he had also uniformly asserted and defended the commercial rights of the United States. And Mr. Adams, in all his previous public stations, had invariably insisted on a fair reciprocity, in the regulations of trade and navigation with Great Britain and her colonies.

\* By an act of the British Parliament, the trade with their American colonial ports was opened to other nations on more favorable terms than had formerly

The view of the finances of the United States, presented by the President, at this time, was highly favorable: though the revenue derived from imports was not altogether of so large an amount as for the preceding year. A severe shock had been experienced by the manufacturing and commercial interests of Great Britain, which had affected the revenue of the United States, as the importations from England were thereby reduced from those of 1825.\* But this diminution, in the opinion of the President, was to be attributed in part to the flourishing condition of domestic manufactures, and was therefore compensated by an equivalent even more important to the nation. This small deficiency in the revenue had not interrupted the payment of the usual portion of the public debt, in conformity to the system of annual reduction established by Congress; being eleven millions of dollars, besides the interest on the whole, amounting to six millions; and leaving five millions and a half in the treasury at the close of the year. The receipts of the year were estimated at twenty-five millions and a half; and the public expenditures, of every description, did not amount to that sum by one and a half million. Within the period of ten years, the annual revenue had not been equal on two occasions to the necessary expenditures of the government, and a resort had been had to loans. But at this time, it was sufficient, after defraying all current expenses, to discharge the usual amount of the national debt, as well as to pay large sums due for interest. This judicious system was matured under the administration of Mr. Monroe;† but Mr. Adams observed and confirmed it; and strongly urged a perseverance in this prudent and economical course, that the debt of the nation might be gradually reduced, and wholly

been permitted, but it was required, that such nations as were desirous of engaging in the trade, should, by a formal act within a specified period, agree to the terms proposed. The United States government did not declare its consent and agreement to the act of Parliament within the time mentioned; and when Mr. King, and after him Mr. Gallatin were authorized to negotiate on the subject, the British ministry declined; alleging, that it was a matter for *legislative* regulation. This determination was wholly unexpected, and served to protract the difficulty and embarrassments of trade to ports in the West Indies, which was formerly pursued with great profit by citizens of the United States.

\* Pitkin states the whole amount of imports to be, in 1825, ninety-six millions of dollars, and in 1826, eighty-four millions and nine-hundred thousand dollars; of which sum, in 1825, thirty-six millions seven hundred and ten thousand dollars was from Great Britain; and in 1826, twenty-six millions and one hundred thousand dollars.

† Mr. Lowndes, of South Carolina, proposed and advocated this provident plan.

extinguished within the period before contemplated. He was in favor of internal improvements, and of a gradual increase of the navy; yet he considered it highly important, that the public debt should be constantly diminished, and the strictest economy practiced in the expenses of the government. In referring to the state of the army and navy, the President said, the former was well disciplined and well governed; that although small, it was sufficient for all necessary purposes of the government, and as the germ of an efficient national force in any unforeseen exigency: while employment was found for the officers and soldiers composing it, in building and repairing fortifications, and in protecting the inhabitants on the frontiers. The navy, he recommended to the attention of Congress, and expressed an opinion in favor of its gradual increase, agreeable to a system adopted during the administration of his predecessor. The voice of the country, he observed, was for its support, as the most proper and only safe means of defence, by force, in our government; especially as it was an efficient protection to commerce and navigation, so essential to the prosperity of the United States.

"The gradual increase of the navy," said the President, "was the principle, of which the act of April, 1816, was the first development. It was the introduction of a system, to act upon *the character and history* of our country, for an indefinite series of ages. It was a declaration of Congress, at that time, to their constituents and to posterity, that it was the destiny and the duty of these confederated States to become, in regular process of time, and by no petty advances, a great naval power.\* That which they then proposed to accomplish in eight years, is rather to be considered as the measure of their means, than the limitation of their design. They looked forward for a term of years sufficient to the accomplishment of a definite portion of their purpose; and they left it to their successors to fill up the canvass, of which they had traced the large and prophetic outline. The ships of the line and the frigates, which they had in contemplation, will be shortly completed. The time which they allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute

\* This act provided for the building of nine ships of war, of seventy-four guns each, and twelve of forty-four guns each: and appropriated a million of dollars annually, for eight years, for that purpose. Congress did not manifest an opinion so strongly favorable to the increase of the navy as the President expressed in his message.

their portion of toil and treasure, for the benefit of the succeeding age, in the gradual increase of the navy."

It appeared by the message of the President, on this occasion, that nearly a million and a half of dollars were required to pay the pensions, previously allowed by Congress, to the survivors of the soldiers of the Revolution: but, in his estimation, the appropriation was alike honorable and just.\*

The subjects mentioned by the President in his message, and recommended to the notice of Congress, engaged their early attention; and were discussed in each branch of the legislature during the session; but as it was closed the third of March, there was not sufficient time for maturing laws to carry into effect all the measures which he proposed. But few laws, of a very important or general character, were passed at this time, though others were urged with great ability and zeal by several members. There was, at this period, a very strong feeling in Congress, as to the theory and views of the executive; and with many a disposition to scrutinize, more closely than common, the recommendations of the President. Some supposed his objects were visionary or would be needless, and would draw after them great expenses: and he was also

\* This very able state paper concluded as follows:—"I trust that it will not be deemed inappropriate to the occasion and purposes on which you are assembled, to indulge a momentary retrospect, combining in a single glance, the period of our origin, as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place, the fiftieth anniversary of the day when our Independence was declared, has been celebrated throughout the land: and on that day, when every heart was bounding with joy, and every voice was tuned to gratulation, amid the blessings of freedom and independence, which the sires of a former age had handed down to their children, two of the principal actors in that solemn scene, the hand which penned the ever-memorable declaration, and the voice that sustained it in debate, were, by one summons, at the distance of seven hundred miles from each other, called before the Judge of all, to account for the deeds done upon earth. The departed, were cheered by the benedictions of their country, to which they left the inheritance of their fame and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then glancing through the same lapse of time, in the condition of the individuals, we see the first day marked with the fullness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor, to the cause of freedom and of mankind: and on the last, extended on the bed of death, with sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country: may we not humbly hope that to them, too, it was a pledge of transition from gloom to glory; and that, while their mortal vestments were sinking into the clods of the valley, their emancipated spirits were ascending to the bosom of their God."

charged with entertaining such views of the Constitution, as that very extensive and internal improvements might justly be made, though there might be large expenditures in the execution. And the majority, at that period, were opposed to expenditures for such objects, except they were most plainly necessary for the public defence and safety. The political friends and opponents of the administration, were thus very equally divided.

While the national legislature was in session, at this time, intelligence was received from the Envoy at the Court of London, that a Convention had been concluded, in November, between the United States and Great Britain. This Convention did not relate to commercial intercourse between the two countries;\* for it has been seen that the British ministry had declined entering into any negotia-

\* The following articles, proposed by the President, will show his views of a proper commercial Convention with Great Britain—"Whereas, by the trade as it now exists under the respective laws and regulations of the two nations, between certain ports of the British colonies in America and the West Indies, and the ports of the United States, discriminating duties and charges are reciprocally imposed and levied on the vessels and cargoes of each nation in the ports of the other; and as it is the desire of the parties, for the reciprocal advantage of their citizens and subjects, to abolish all such discriminating duties and charges; it is agreed, that upon the vessels of the United States, admitted by law into all and every one of his Britannic Majesty's colonial ports, and upon any goods, wares, or merchandize lawfully imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind shall be levied or exacted, than upon British vessels, including all vessels of the colonies themselves, or upon the like goods, wares, or merchandize imported into the said colonial ports from any other port or place whatever, including Great Britain and the colonial ports themselves: and that upon the vessels of Great Britain admitted by law into all and every one of the ports of the United States, and upon any goods, wares, and merchandize lawfully imported therein, in the said vessels, no other or higher duties on tonnage or impost, and no other charge of any kind shall be levied or exacted, than upon vessels of each and every one of the said States, or upon the like goods, wares, or merchandize imported into the United States from any other port or place whatever."

"For the more perfect fulfilment of the intention of the high contracting parties, as expressed in the foregoing article, it is agreed, that the trade to which it has reference, shall continue on the footing on which it now stands by the laws and regulations of the two countries respectively; with the exception of the removal, by Great Britain, of the duties specified in an act of Parliament, June, 1822,—and of those specified in an act of Parliament, August, 1822,—and of the removal, by the United States, of all additional duties of tonnage, in the light of foreign tonnage duty, and of all additional duties of impost, in the light of foreign impost, existing against British vessels and merchandize coming to the United States from any of the said colonial ports. And the contracting parties pledge themselves to remove, reciprocally, the duties herein recapitulated, as well as all other discriminating duties and charges of whatever kind they may be, intended by this and the foregoing article, to remove; it being the desire and intention of the parties to place the aforesaid trade upon a footing of perfect equality in all respects."

tions on the subject: but the object of the treaty was to provide for carrying into effect some parts of the treaty of Ghent, of 1815. The chief article was a stipulation to compensate for the capture and detention of slaves belonging to the southern States, during the war of 1812—1814.\* This Convention was ratified by the President and Senate soon after it was received: and a law was promptly passed by Congress for giving effect to its provisions.

An appropriation of thirty thousand dollars was made for repairs on the Cumberland road: lands were reserved for seminaries of learning in Louisiana, in Florida, and in Arkansas; and a grant of public land was made to the asylum of the deaf and dumb, in Kentucky.—In several instances also, the President was authorized to cause surveys to be made for roads, and to lay them out, in the new territories—thus recognizing the propriety of expending the funds and property of the nation for internal improvements, and for the purposes of education: and affording proof that the majority in Congress at that time, were in favor of promoting some objects of a general nature, at the expense of the federal government.

A question on the President's authority to appoint diplomatic agents in the recess of the Senate, or rather as to the extent of his constitutional power in the allowances made to them, arose in Congress, at this time; and it was attempted to fasten a charge on the executive of having made a greater allowance in one instance than was proper or usual. The charge was, that the President had authorized an outfit, as well as an additional amount of salary to a son of Mr. King, who was left as Charge d'Affaires, at the British Court, on the return of the father, who had been Envoy Extraordinary to that government: but whose feeble health obliged him to retire from all public business. The propriety of having such a diplomatic agent at the British Court was very generally admitted; it was also admitted, that in the recess of the Senate, the President might justly make such appointment; and it was further considered, that the minister had properly designated his son, the Secretary of that legislation, to act in behalf of the United States after his retirement, so that their interest might not suffer. The principal charge then

\* The treaty stipulated for the payment, by Great Britain, of the sum of \$1,240,000 for compensation on account of the slaves carried away at that time.



preferred was, that the President had not only added to the stipend, but allowed a sum as an outfit equal to a year's salary, though the person thus employed was then in England.

The question was proposed by a member of the House from Tennessee, (Mr. Blair,) who was in the ranks of the opposition to Mr. Adams; and who with many others, had yielded to a prevailing opinion, that the President was extravagant in the expenses of government. Mr. Forsyth of Georgia, vindicated the conduct both of the President, and the minister, Mr. King, in appointing one as Charge d'Affaires near the British government; and in an additional compensation to that fixed by law for a Secretary of Legation. But, if the President had allowed an outfit in this case, he expressed the opinion that it was improper. The majority or a full moiety of Congress, at that period, were disposed to scrutinize the conduct of the executive, in all instances; in the belief, or with the pretence, that the President did not strictly conform to the provisions of law, and was inclined to exercise too much discretion. The charge would lie, with far greater propriety, against the conduct of his successor, who often chose to assume responsibility, or to construe the constitution and the laws in accordance with his own views, and differently from the meaning given to them by former Presidents. And his political friends never failed to justify or excuse him; although they had, before his presidency, strenuously contended that the executive should have little discretion, and should do nothing but by authority of express law.

A bill was introduced in the Senate, by one of the members of that body, Mr. Dickerson, from New Jersey, for distributing a certain part of the public revenue among the several States. But the proposition was not received with much favor; and after a short discussion the bill was denied a second reading. The plan proposed was, instead of expending large sums of the public money for internal improvements by the federal government, as was then and the year before strongly urged, and in some cases voted, that a portion of the national revenue, particularly from sale of lands, should be distributed among the States for such purposes; leaving it with the individual States to apply it to the particular improvements which each respectively might prefer. The plan originated in a wish to maintain State power and rights, and to prevent great expenditures by the national government, which would nat-

urally increase the influence and patronage of the government. It was contended also, that equal justice required such a measure.

Great efforts were made again at this session of Congress for the passage of a law establishing a uniform system of bankruptcy. Mr. Hayne, of the Senate, from South Carolina, urged the adoption of a law for such a system with great ability and zeal; as Mr. Webster of Massachusetts, and others had before done in the House of Representatives; but the bill was opposed, on the pretence that it would operate particularly for the relief of merchants, and would be of no benefit to the other classes of citizens. The system could not have been injurious to the farmer or mechanic; and the objection that it was exclusively for the advantage of merchants, was therefore unreasonable. It was the suggestion of prejudice, or of narrow views; for it is the merchant and trader only who need such relief.

The subject of commercial intercourse with the colonies of Great Britain was also discussed at great length, during this session of the national legislature. It was one of peculiar interest and importance; for the trade with the British ports in the West Indies was so restricted by acts of Parliament, that it could be pursued with but little profit by the citizens of the United States. Each branch of the federal legislature had a bill prepared on the subject; and each was several times debated. They did not differ materially; but it was said in the House of Representatives, that the bill before the Senate did not fully protect the interests of the United States merchants trading to those ports; and no law was enacted as was proposed and expected. The difference might have been adjusted by a committee of conference of both Houses, as is usual in cases of disagreement; but this was not done in season, and the close of the session prevented it. And on the 17th of March, by virtue of a law passed three years before, the President declared, by proclamation, that the trade with those ports was prohibited; as the discriminating duties of the British government had not been removed. The proclamation of the executive, on this subject, referred to an act of Congress of March, 1823, which permitted the trade between the United States and the British ports in the West Indies to be free and unembarrassed, so long as the latter should be open to American vessels, without additional duties, but, on an interdiction by the British government, of their colonial ports to vessels of the United States, authorizing the President to make such public proclamation; and an order of his Britannic

majesty in council had been issued in July, 1826, prohibiting after December then next—and now passed—the trade and intercourse with those ports to American vessels. These various acts of interdiction, restricting the trade to the West Indies belonging to Great Britain, operated injuriously to the citizens of the United States. But the executive of the federal government had made repeated attempts to regulate the trade on terms more favorable, and in a conciliating and magnanimous spirit towards the government of Great Britain.

The conduct of the State of Georgia, at this period, towards the Indians within its territorial limits, was such as to threaten a direct and forcible collision between that State and the federal government. The government of that State claimed lands, then and formerly occupied by the original tribes, and the entire control and authority over them; though they remained on their lands by the consent of the general government, and treaties had been made with them, promising them protection, until the terms for their removal should be adjusted. The government of Georgia complained that they did not remove, or were not forcibly removed by the federal executive. That State also insisted on a compliance with an agreement, by treaty, with some of the chiefs of the Creek Indians, and then the principal tribe within that State; but which the majority of the tribe highly disapproved; and which was superceded and annulled by a treaty made the year following, with the proper agents or chiefs of the tribe, and was also ratified by the President and Senate of the United States. The latter compact was more favorable to the Indians, as it gave them more time to remove, and engaged the support of the federal government until their voluntary removal. The executive of Georgia ordered a survey of the lands in dispute, and occupied by the Indians, contrary to the wishes and rights of the tribe; and committed or threatened acts of encroachment which were highly offensive to the Creek nation. And, on their application to the executive of the nation, the United States troops were ordered to protect them, and to prevent encroachments on their possessions. The governor of Georgia called on the militia to defend the State, and to be ready to carry into effect his orders, either against the Creek Indians, or the troops of the United States. His language and conduct were of a very menacing character. He impugned all authority of the federal government in the case, and assumed the right to treat the Indian tribe according to his will, and that of the

legislature of Georgia. His letters to the federal executive were indecorous, if not insolent; and such as had never been used by the governor of a State to the chief magistrate of the Union.\* Owing to the united firmness and prudence of the President, the difficulty was cured without resort to military force. The message of the President to Congress, on the subject, was committed in the House of Representatives to a select committee, and a report made the day following—the last day of the session—recommending the adoption of two resolutions, viz. “That it is expedient to procure a cession of the Indian lands in the limits of Georgia—and, that until a cession is procured, the laws of the land, as set forth in the treaty of Washington, ought to be maintained by all necessary, constitutional, and legal means.” There was also a report of the minority of the committee asserting “the right of Georgia to the soil and jurisdiction of the Indian lands within its limits—that the survey of those lands by Georgia was not improper—that the treaty at the Indian Springs, not having been constitutionally repealed, the rights of Georgia under it were unimpaired; and that the President be requested to extinguish the claim of the Creek Indians to lands in Georgia, not comprehended in the treaty of Washington.”

The Governor of Georgia contended for the validity and execution of the treaty at Indian Springs, (made the preceding year, which was favorable to the claims and wishes of that State for getting possession of the Indian lands,) but which being disapproved by the majority of the Creek tribe living there, had been set aside and annulled, by adopting a different treaty, the following year. Georgia claimed the fulfilment of the terms of the former treaty, while the federal executive insisted on observing the terms of the second agreement. When, therefore, the executive of Georgia ordered surveys of the Indian lands, in opposition to the will of the Creek tribe, and contrary to the provisions of the second compact, the President, on complaint and request of the heads of that tribe, sent agents to desire the governor of Georgia to desist, and promised protection to the Creeks, according to engagements in the last treaty.

\* In a letter to the Secretary of War, dated February 17, 1827, Governor Troup, says, “You will distinctly understand, that I feel it my duty to resist to the utmost any military attack, which the government of the United States shall think proper to make on the territory, the people, or the sovereignty of Georgia; and all measures necessary to the performance of this duty, according to our limited means, are in progress. From the first decisive act of hostility, you will be considered and treated as a public enemy.”

He also notified the governor of Georgia, that if the military power should be employed by that State to enforce the order for a survey, he should feel obliged, under the sanction of a law of 1802 on the subject, and also by *an obligation higher than any human authority*, to repel the force, and to protect the Indians in their rights, as recognized in the last treaty made with them.

The message of the President to Congress, on this subject, produced a great excitement; and was censured, by members from Georgia and Alabama, as rash and tending to an open and forcible collision between the United States and the State of Georgia. But a large majority supported the views and conduct of the President, and disapproved of the proceedings of the governor of Georgia. Surely he could not justly be charged with rashness, in preferring, as he did, a civil and judicial process to a military force, to settle the difficulty; and his declaration to employ force if necessary to protect the tribe, was sanctioned by the Constitution and law. The expression "of yielding to an obligation higher than that of any human authority," was considered by some as unnecessary, if not improper; as the President of the Union should know no authority, in his official civil acts, above or beyond that of law and the Constitution.

A proposition was made in the House of Representatives to reimburse to those persons, who had been fined for violations of the sedition law of 1798, the amount which they had paid, and an indemnity for loss of time, &c. The object appeared to be a public expression of the opinion that the law was arbitrary and unconstitutional, as well as a desire to indemnify those who had been subjected to pecuniary punishment. But the proposition was not received with favor by the majority of the House; and the object of the mover was not attained. The majority were evidently convinced of the inexpediency of passing any law on the subject; especially, at a period so long after the obnoxious law had ceased to be in force. By rejecting the motion, at an early day after it was offered, a discussion, at once unpleasant and useless, was happily prevented.

Another effort was made at this Congress, to allow compensation to the officers of the continental army, who continued in service till the close of the war of the Revolution, and were promised half pay for life, by the old Congress, in the year 1781. But the effort was unsuccessful at that time; owing in part to the shortness of the session, and in part to a want of agreement among those in favor of some

compensation, as to the amount, and to the manner of paying it. At the following session, an act was passed making to these worthy veterans an honorable compensation.

A bill for imposing additional duties on imported woollen goods for the purpose of giving aid to American manufacturers, was again presented in Congress, at an early day of the session, and urged, as in several preceding years, with great zeal and effort. This subject had been frequently proposed and discussed in Congress for ten years. The first direct legislation on the subject, by the federal legislature, was in 1816; though it was the policy of the government, from its first establishment, so to regulate trade with foreign nations—a principal object in the formation of the national government, with a view to the prosperity of commerce and to the augmentation of the revenue—as to encourage domestic manufactures of various kinds. At that period, a duty of twenty-five pr. ct. *ad valorem* was laid on woollen imported goods. Those who afterwards engaged largely in that branch of manufactures were not satisfied with that rate of duties; and by great activity and perseverance, obtained an additional law in 1824, by which a duty of thirty per cent. was imposed; to be increased the following year to thirty-three. In 1826 and '27, they asked and *demand*ed higher impost duties on woollens. A bill for the purpose was long and ably discussed in both houses of Congress; and in February, 1827, near the close of the session, the House of Representatives voted in favor of it; but it met great opposition in the Senate, and was rejected. The manufacturers, however, did not relinquish their object.—In 1828, a convention was held in the State of Pennsylvania, by them and their friends from all parts of the Union—when it was agreed to continue their efforts with the federal legislature, to grant further protection to woollen and cotton manufacturers, to the extent of more than two hundred per cent. in some cases, and on some description of goods, though it should operate to an entire prohibition.\* They also gave to their plan the imposing name of the “American system;” asserting, that the same system, or policy, was favored and recommended by the Secretary of the Treasury, and by the administration, soon after the organization of the general

\* In 1820, coarse woollens paid a duty of twenty-nine per cent: in 1827, it was thirty-eight, by virtue of the act of Congress of 1824; and the convention at Harrisburg, held in 1827, proposed from fifty-seven to two hundred and eighty-one per cent. “We want protection,” said one of that convention, “whether it be fifty per cent. or one hundred and fifty. And it matters not, if it amounts to prohibition. We want *protection*.”

government. But it fully appears from the reports of Secretary Hamilton on the subject, and the measures he recommended in 1790 and 1791, that he was not in favor of forcing manufactures by high duties. "Exorbitant duties on imported articles," he said, "serve to beget a general spirit of smuggling, which is always injurious to the fair trader, and eventually to the revenue itself. They also tend to render other classes of the community tributary, in an improper degree, to the manufacturers, to whom high duties give a premature monopoly of the markets. Industry is also sometimes thus forced out of its natural channels into others, in which it flows with less advantage. And, in the last place, they indirectly oppress the merchant, who is often obliged to pay them himself, without any retribution from the consumer." Some of the woollen and cotton manufacturers themselves admitted that the tariff of 1824 afforded a sufficient protection; and expressed their fears, that such exorbitant duties would eventually prove unfavorable to the manufacturing interests of the United States.\*

A great portion of the citizens were opposed to the "American system," as explained and advocated by the manufacturers. The merchants and mechanics of Boston held meetings to consider the proposed increase of duties on woollen and cotton goods; and a very elaborate report was made at an adjourned meeting, by a committee previously chosen for that purpose; in which they stated various facts and views, illustrating the impolicy and injustice of imposing any higher duties than were then required by the act of 1824.\* It was asserted, that the general voice of New Eng-

\* Amount of imports into United States in 1826, was eighty-five millions of dollars, eighty millions of which were in American vessels. The exports amounted to seventy-seven millions and five hundred thousand dollars; of which fifty-three millions were of domestic, and twenty-four millions and five hundred thousand of foreign products or articles: of domestic articles, forty-six millions and two hundred thousand dollars exported in American vessels, and six millions and eight hundred thousand dollars in foreign vessels, of foreign articles, twenty-three millions three hundred and fifty thousand dollars in vessels of the United States, and one million one hundred and eighty thousand dollars in foreign vessels.

† Even that tariff-law was considered as unequal and unreasonable, by some of the ablest statesmen, as well as by the merchants. In reply to Mr. Clay of Kentucky, Mr. Webster of Massachusetts, when the bill was under discussion in 1824, said, "that there was a broad and marked distinction between prohibition and *reasonable* encouragement. Protection, when carried to the point proposed, that is, to an entire prohibition, seems to me destructive of all commercial intercourse between nations." With far greater justice it might be said, that the tariff proposed in 1827, and adopted in 1828, was, in principle and in theory, indirectly unfavorable to commercial enterprise.

land was not in favor of the *highly* restrictive or prohibitory system proposed. They also prepared a memorial to Congress on the subject, which was subscribed by a very large number of the citizens of Boston and vicinity, and presented to Congress in December, 1827, at the time the manufacturers were pressing for a new tariff with higher duties, in accordance with the resolutions adopted by the Convention at Harrisburg.\*

In the same year, a Convention was holden in the city of Philadelphia, by persons from most of the States of the Union, opposed to any increase of duties on imported woollen or cotton goods. Some of these, indeed, were opposed to the duties, as established in 1824; and contended that the manufacturers already enjoyed an unequal share of the aid of government. They believed that the interests of commerce and navigation would suffer by carrying the system to the extent urged; and were more disposed to lessen than to increase the duties imposed by the act of 1824. A report was published by this Convention also,† of great length and ability, and extensively circulated; and it was supposed that a majority of the people approved of the doctrines and views of the Convention. In the seaport towns, this was notoriously the case: for the "American system" was unquestionably not deemed promotive of the commercial interests of the Union.

The President was in favor of affording protection or encouragement to domestic manufactures generally, and of woollens particularly; which at this time was the leading question in political economy, so far as the federal government was believed to have authority to interfere. But he was also friendly to extensive enterprises in commerce and navigation; and expressed no opinion in support of the ultra doctrines of the manufacturers. It was always known that he highly estimated the advantages of navigation and foreign trade, to a country like the United States; and would not, therefore, sacrifice the interests of commerce for the purpose of encouraging any other branch of business.

The statement, presented to Congress, by the President,

\* Opinions similar to those expressed by the merchants of Boston, were declared in a memorial to Congress by the citizens of Salem, Massachusetts, a short time before. They considered the policy of protecting manufactures, to the extent urged and adopted in 1824, as highly prejudicial to the commercial interests of the country; and as a tax on merchants, mechanics, and farmers for the benefit of the manufacturers.

† Henry Lee, of Boston, prepared this report, as well as that adopted by the citizens of Boston.



in December, 1827, relating to the public affairs of the nation, was highly gratifying to the patriot, and as just as it was favorable to the general prosperity and welfare. "The blessings of peace with all our brethren of the human race," said the President, "have been enjoyed without interruption: and internal quiet has left the people in the full enjoyment of their rights, and in the free exercise of their faculties, to pursue the impulse of their nature and the obligations of their duty, in the improvement of their own condition. The productions of the soil, the exchanges of commerce, and the vivifying labors of human industry, have combined to mingle in our cup a portion of enjoyment, as large and liberal as indulgent Heaven has, perhaps, ever granted to man on the earth. To preserve, to improve, and to perpetuate the sources, and to direct, in their most effective channels, the streams which contribute to the public weal, is the purpose for which government was instituted. Objects of deep importance to the welfare of the Union are constantly occurring to demand the attention of the federal legislature; and they call, with accumulated interest, on the first meeting of the two Houses, after their periodical renovation." The President referred to the happy issue of negotiations with the British government, respecting slaves captured during the war of 1812—1815, in the southern parts of the United States, and for the adjustment of the dispute on that subject, a reference of which had been made to the judgment of the Emperor of Russia. "The final disposal of one of the most painful topics of collision between the United States and Great Britain," the President said, "not only afforded an occasion of gratulation to ourselves, but had a happy effect in promoting a friendly disposition, and in softening asperities upon other subjects of discussion. Nor ought it to pass without the tribute of a frank and cordial acknowledgement of the magnanimity, with which an honorable nation, by the reparation of their own wrongs, achieve a triumph more glorious than any field of blood can ever bestow." It was also stated in the message, "that recent negotiation on commercial subjects, which were of great interest to the United States, had terminated in the adjustment of some of the questions at issue, upon satisfactory terms, and the postponement of others for future discussion and agreement."

The trade to and with the British colonies in America, of great importance to the United States, and long time in a condition unfavorable to the citizens thereof, through the pertinacity of the English government, to secure unequal

advantages—was not yet so adjusted as to give satisfaction to the American merchants. To place the trade, either by negotiation, or legislation, on terms of reciprocity, had long been the desire and endeavor of the government of the United States; “for the commercial intercourse between the two countries was more important than between any other two nations on the globe.” Two Conventions, however, were concluded in August, 1827, between the plenipotentiaries of the United States and great Britain, for continuing in force those made at former periods, one in July, 1815, and the other in October, 1818, noticed above in this volume.

The subject of the boundary line between the United States and the British territories in North America, was much discussed at this period; and, in many parts of the nation, the citizens complained of the non-adjustment of the dispute. The President, in his public message, referred to the subject, and gave the following statement of proceedings in relation to it.—“In the execution of the treaty of peace in 1783, a line of boundary was drawn as the demarcation of territory between the two countries; extending over nearly twenty degrees of latitude, and running over seas, lakes, and mountains, then very imperfectly explored, and scarcely opened to the geographical knowledge of the age. In the progress of discovery and settlement, by both parties since that time, several questions of boundary between their respective territories have arisen, which have been found of *exceedingly difficult adjustment*. At the close of the late war with Great Britain, four of these questions pressed themselves upon the consideration of the negotiators of the treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate commissions, consisting of two commissioners; one appointed by each party; to examine and decide upon their respective claims. In the event of disagreement between the commissioners, it was provided that they should make reports to their several governments; and that the reports should finally be referred to the decision of a sovereign, the common friend of both. Of these commissions, two have already terminated their sessions and investigations; one by entire, and the other by partial agreement. The commissioners of the fifth article of the treaty of Ghent have finally disagreed; and made their conflicting reports to their own governments. But from these reports a great difficulty has occurred, in making up a question to be decided by the arbitrator. This purpose, however, has been effected by a fourth Convention, concluded at London, by the plenipo-

tentiaries of the two governments in September last. It will be submitted with the others to the consideration of the Senate." The President manifested a strong desire, that the disputes in reference to this subject, might be amicably and speedily adjusted; and expressed a disposition on his part to adopt all proper measures to attain so desirable an object. Difficulties had then recently occurred on the north-east borders of the United States, and a serious collision threatened between the people of Maine and of New Brunswick: though it had been previously understood, "that no exercise of exclusive jurisdiction, by either party, while the negotiation was pending, should change the state of the question of right to be definitively settled."

The President very feelingly regretted that the British government had declined all negotiations on the subject of the trade with their colonial possessions in America; believing that the difficulties would be better removed, in that way, than by legislation. This trade, if regulated on principles of a just and liberal policy, would be highly beneficial to the United States. And while he refrained from imputing the course pursued by the British government to direct hostile views, he justly considered it as showing a less friendly and generous spirit than he had anticipated. Neither of the bills before the Senate or House of Representatives, at the preceding session of Congress, it appeared, would have given full satisfaction to the Court of England. They were evidently disposed to enjoy the whole trade to and from their American colonies and ports; and seized on every possible pretence for avoiding definite and mutually favorable regulations on the subject.

In referring to the relations of the United States with France, the President spoke of the early and important influence exerted by the French king and people in favor of the liberties of America. "The origin of the political relations between the two nations," he said, "was co-eval with the first year of our Independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten; and we should hail with exultation the moment which should indicate a recollection, equally friendly in spirit, on the part of France." Fresh efforts had then been made by the President, to obtain a just consideration of the claims of American citizens for reparation of wrongs, many years before committed by the subjects or rulers of that nation.

A reference of the subject had been recently proposed, by the President's direction, to a sovereign, friendly both to France and the United States. And he expressed the opinion that the proposal would not be declined by the French government.

A large portion of these claims, the French government admitted to be founded in equity and justice. Even the late Emperor, by whose orders the depredations had been committed, could not deny the justice of making some reparation: and the kings of the Bourbon family, Louis XVIII. and Charles X. who were restored to the throne of France, on the downfall of Napoleon, had long promised indemnity. But they were weak princes; the nation was exhausted by expensive and distressing wars; and the subject of indemnity, as demanded by the United States, was not popular with the people of France. They were unwilling to pay for the wrongs done by Napoleon. Nothing had been obtained but fair promises of the French government; though the claim had been often pressed upon the consideration of the Court of Versailles, with much earnestness and ability: and by no administration with more urgency than while Mr. Adams was President.

The diplomatic intercourse between the United States and foreign governments, had been increasing for several years, and their relations were now mutually friendly. The President announced, at this time, the formation of a new treaty with Sweden, to perpetuate amity, and to regulate commerce and navigation between the two nations: a recent disposition in the Hanseatic republics had been shown, to strengthen and confirm their intercourse with the United States, by sending a minister to reside at the seat of the federal government, which was met with promptness and cordiality by the President. The desire of the new Emperor of Russia, to be on terms of friendship with the United States, was also manifested by the appointment of a minister plenipotentiary to the government of the American Union. A prospect was thus presented to the country of a long period of national peace and prosperity; and was a just occasion for gratulation and thankfulness among all classes of citizens.

In this public message, the President alluded to the existing condition of the new republics in South America; and informed Congress of the failure of the individual States represented in the grand meeting at Panama, to confirm the propositions adopted by that Convention, for a union of measures and action in defence of their liberty,

and for establishing efficient governments; and of extensive divisions among them, which predicted unfavorable results to the cause of civil freedom in that part of America. It had never been the intention of the federal government to interfere with the republics of Central and South America, any farther than to maintain a friendly connection, or understanding, and to prepare for maintaining trade with them, which should be beneficial to both parties. One of the public envoys of the United States sent to South America had then already returned; and the other was directed to remain in Mexico, "in the discharge of ordinary duties, with authority to attend the conferences of the Congress of Panama, whenever they should be resumed."

The internal affairs of the United States indicated an uncommon measure of tranquillity and prosperity. The apprehensions of difficulty with the State of Georgia, arising from disputes about the lands in that State, occupied by the Indians, had subsided; though the claims of that State were not withdrawn. With some Indian tribes, in the western part of the country, disputes had indeed arisen relating to certain tracts of land, which it was believed the government had fairly purchased, and their conduct threatened hostilities towards the United States; but "the presence of a portion of the regular troops soon dispelled the alarms of the people in that quarter, and overawed the hostile purposes of the Indians." Some murders were committed by them, but they surrendered the perpetrators to the authority of the federal government, and a good understanding followed.

The national income, from imposts and the sale of public lands, was fully adequate to all the exigencies of the government. The public expenditures, for 1826 and 1827, had been to a large amount;\* but they were made in fulfilment of acts of Congress for Indian annuities, for former purchases of their lands, for extensive repairs of fortifications on the seacoasts, and for pensions to the veterans of

\* It appears by Pitkin's statistics, that the expenditures in 1817, were \$40,870,000, and the receipts \$33,830,000. In 1818, the expenditures were \$35,100,000, and the receipts \$21,600,000. In 1819, the expenditures were \$24,000,000 and the receipts \$24,600,000. In 1820, the expenditures were \$21,763,000, and the receipts \$20,880,000. In 1821, the expenditures were \$19,090,000, and the receipts \$19,573,000. In 1822, the expenditures were \$17,676,000, and the receipts \$20,232,000. In 1823, the expenditures \$15,314,000, and receipts 20,540,000. In 1824, the expenditures \$31,898,000, and receipts \$24,381,000. In 1825, the expenditures \$23,580,000, and the receipts \$26,840,000. In 1826, the expenditures \$24,108,000, and the receipts \$26,260,000.

the Revolution; beside the sums necessary for the civil list, for interest on the public debt, annual instalments thereof, maintenance of the army and navy, and an increase of the latter.

According to the statement made to Congress in the message of the President, the receipts in the treasury, in 1827, amounted to twenty-two millions nine hundred and sixty thousand dollars, and the expenditures were estimated at twenty-two millions five hundred thousand dollars. Upwards of six millions of the latter, was for a discharge of a part of the national debt; and thus reducing it to sixty-seven millions and a half; being only a moiety of what it was in 1817. With a view to the entire discharge of the public debt of the nation, a subject of deep solicitude with the people, the President recommended the strictest economy in the application of the public funds; and observed "that it was most important always to keep the expenditures of the year within the limits of its receipts." \*

The greater portion of those who had opposed the election of President Adams, in 1824, continued their opposition during the whole term of his administration, while others "who judged him by his measures," approved of his general political conduct. Every possible objection was made to his course; and the power of party prejudice was manifested while he was Chief Magistrate of the nation. Particularly, it was objected, that the public expenditures were much greater than in former years, and that he was alike extravagant and visionary in his plans. An unhappy prejudice was thus created or strengthened against him as a politician; but with no just cause for the charge. His views on the question of internal improvements were not agreeable to such as wished to confine the federal government to legislate on subjects granted by the Constitution: but no one could justly accuse him of ever employing the means of corruption, or of incurring expenses to the government for the purposes of patronage; and no one ever doubted the sincerity or ardor of his patriotism.

In 1824, Congress passed a law authorizing surveys for canals and roads, which might be for the improvement of the country, and facilitate the intercourse between distant parts of the Union. And it was at the discretion of the

\* In 1827, the expenditures were less than the receipts only in about \$500,000. In 1828 and 1829, the expenditures exceeded the receipts by \$400,000. In 1830, the expenditures and receipts were very nearly of same amount. In 1831, the expenditures were greater than the receipts by nearly \$2,000,000; and in 1832, by nearly \$3,000,000.

executive, that such surveys were to be made.\* President Adams, being in favor of internal improvements at the expense of the federal government, ordered various surveys during the year 1825 and 1826. The reports made to him by the surveyors were communicated to Congress at this and the preceding session; and serve to show his readiness to carry into full effect the power granted him by the national legislature. They were the following:—relating to the Chesapeake and Ohio canal—the continuance of the great national road from Cumberland to the waters within the District of Columbia—the continuation of that road from Canton, (Ohio,) to Zanesville,—the location of the national road from Zanesville to Columbus, (Ohio,)—the continuation of the same to the seat of government in Missouri,—a post road from Baltimore to Philadelphia,—a survey, in part, of Kennebec river,—a national road from Washington to Buffalo,—a canal from lake Ponchartrain to the river Mississippi: Surveys at Edgartown, Hayannis harbor, and Newburyport—of La Plaisance bay, in the territory of Michigan,—the Peninsula of Florida, with the view to a canal to connect the waters of the Atlantic with the Gulf of Mexico, and also between the bays of Mobile and of Pensacola,—for a canal, to connect the waters of James and Great Kenhawa rivers—of the Swash in Pamlico sound, and that of Cape Fear, below Wilmington, in North Carolina. The views of the President were further developed by his observations in connection with these reports—“all the officers of the two engineer corps, with several others duly qualified, have been constantly employed in these services, from the passing of the act of April, 1824, to this time. And were no other advantage to accrue to the country, from their labors, than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union, more than adequate to all the expenditures which have been devoted to the object; but the appropriation for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of lighthouses, beacons, piers, and buoys, and for the completion of canals, undertaken by individual associa-

\* The act gave him power “to cause surveys, plans, and estimates to be made of the routes of such roads and canals as he might deem of national importance, in a military or commercial point of view, or necessary for the transportation of the public mail.”

tions, but needing the assistance of means and resources more comprehensive than individual enterprize can command, may be considered rather as treasures laid up, from the contributions of the present age, for the benefit of posterity, than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement in the condition of the country, of real addition to the wealth as well as comfort of the people, three or four millions of the income of the nation have, by laws enacted at three most recent sessions of Congress, been applied, without entrenching upon the necessities of the treasury; without adding a dollar to the taxes or debts of the community; without suspending even the steady and regular discharge of the debts contracted in former days; which, within the same three years, have been diminished by nearly sixteen millions."

The majority of Congress, at this time, did not fully agree in the opinion and views of the President as to the propriety of these surveys; and they appear not to have approved of the construction which he put upon the law of 1824.—There had always been a large minority in the federal legislature, and generally a majority opposed to appropriations for such purposes. It had been sometimes voted not to expend more money on the Cumberland road; particularly as to the continuation of it through the States of Ohio, Indiana, and Illinois, to Missouri. And it was believed, by many able statesmen who were in favor of confining the powers of the national government to the specific objects contemplated by the Constitution, that the liberal construction given to it in reference to works of internal improvements, served only to increase the power and patronage of the executive, which was always liable to abuse, or to an exercise of a party or partial character. The plan of aiding States and companies, in their enterprizes for these professed objects, it was believed, would lead to very great drafts on the treasury of the United States, and would also afford an opportunity to the President, at any time, to show favor to particular corporations or to certain parts of the Union, to gratify his personal views and predilections. In the conclusion of this annual message to Congress, the President spoke of the claims of the surviving officers of the Revolutionary army on the national government for compensation for their services so important to the country, and for which they had not been recompensed according to the early promises made to them by the Congress of the confederation.—"The nation," he said, "owed to these meritorious veterans



a debt of justice as well as of gratitude." They had then been soliciting a fulfilment of these early promises of Congress for several years, but without success. And they did not ask it merely as a favor, or because they were generally poor, but as a compensation founded in equity and justice for services actually rendered, and never fully rewarded. Provision was made by Congress in 1818, for granting relief to the destitute among those who had served in the war of the Revolution only for nine months; but the most meritorious, whose services were given during the whole war, and who continued faithful to their country's cause till peace was made with the enemies of its liberties, had received no compensation. Their claims were founded on resolves of the old Congress, passed in 1780 and 1781, when their services were called for and justly appreciated, granting them half pay for life; but which was commuted, in 1783, at the request of their fellow citizens, and from the purest and most patriotic motives, for the amount of five years' pay; and even that was in such paper as was worth not more than a tenth part of its nominal value. Their applications to Congress for an equitable allowance, had indeed been favorably considered by committees for several preceding years; but no act had been passed granting them compensation. The recommendation by the President of their case and services, at this time, no doubt had an influence with Congress in granting them an allowance during the session. The compensation allowed was honorable to the members of that Congress, while it proved highly acceptable to the objects of the bounty, who, with very few exceptions, were now advanced to, and even beyond the common age of man. The greater part of them were not in affluent circumstances; and though not wholly destitute of property, needed the allowance thus equitably granted, to secure their own and family's comfort.\*

The expenses for the support of the federal government, in all its branches, at this period amounted to a large sum. The annual increase of the navy, the erection and repair of fortifications, the pensions to the officers and soldiers of the revolutionary army, the interest and reduction of the national debt, greatly enhanced by the war of 1812,

\* There was more opposition in Congress to the allowance than those might have expected who knew the services and sacrifices of the worthy recipients; but there were no party feelings operating on the occasion. Among the able advocates for the compensation, were Van Buren, Harrison, Webster, Woodbury, Johnson, and Berrien of the Senate; and Drayton, Buchanan, Everett, Reed, Dwight, Sprague, Burgess, Mercer, and Hamilton of the House.

surveys and works of internal improvement, and annuities to several Indian tribes, of whom lands had been purchased to a great extent; all these now made an aggregate of about twenty-four or five millions. And though due economy was recommended, it was not to be expected that it would be rigidly practiced in all cases, when there was necessarily a vast number of public officers and agents. And yet it afforded an occasion, for such as were previously disposed to charge the executive with extravagance in the public expenditures, to censure the President, and to persuade a portion of the people of the Union that he was deficient in judgment, or a watchful fidelity, in the management of national finances. This was one great cause of the election of another individual for the first executive officer of the federal government in 1828. Men who ought to have been better informed, and less under the influence of prejudices, made great objections to President Adams on this account; when a thorough, but fair and impartial investigation must have shown, that he was equally faithful in the duties of his office, relating to the expenditures of the government, as either of his predecessors had been.\*

\* For repairs and continuation of Cumberland road, one hundred and seventy-five thousand dollars were appropriated at the session 1827, 1828—thirteen thousand for clearing the Ohio river, and Huron river, in the State of Ohio—for piers at the mouth of Dunkirk harbor in New York, six thousand—for a public road from Detroit to Maumee, six thousand—and from Detroit to Chicago, eight thousand dollars—for piers in the mouth of Oswego harbor, New York, nine thousand five hundred—to deepen the channel of entrance into the harbor of Presque Isle, six thousand—to remove obstructions in Ash-tabula Creek, Ohio, four thousand five hundred—to remove obstructions in the Berwick branch of Piscataqua river, Maine—to deepen the channel for navigation between St. John's river, Florida, and St. Mary's harbor in Georgia—also, of the river and harbor of St. Mark's, in Florida—to remove obstructions in the Kennebec river, three thousand five hundred—to secure the light on Brandywine shoals, in Delaware bay, ten thousand—for various surveys, thirty thousand—to complete a pier, near another pier, at Buffalo, thirty-four thousand—for a military road in Maine, from the Penobscot river to Mar's Hill—to remove obstructions (the bar) at the mouth of Merrimac river—to preserve Deer Island, in the harbor of Boston—to erect piers at Stonington, Connecticut—to repair piers at Port Penn, and Marcus Hook—to remove obstructions and shoals in North Carolina—and in Apalachicola, Florida—to improve the navigation of Red river; and of Sackett's Harbor—to survey the harbor of Nantucket for the purpose of improving it—to deepen the channel at the mouth of Pascagoula river—to improve the navigation of the Mississippi and Ohio rivers. For lighthouses; one in Maine, three in Massachusetts, one in Rhode Island, and two spindles or pyramids, one in Connecticut, three in New York, three in Maryland, and one in Virginia; in North Carolina one light vessel in lieu of a lighthouse, and two beacon lights; in Alabama, one lighthouse and spindle; in Michigan, two lighthouses, in Florida one, one in New Hampshire, one in Delaware, and several buoys. A breakwater was also ordered to be constructed near the mouth of Delaware bay, and two hundred and fifty

Among the important measures and acts of the twentieth Congress,\* were the following—An act to prevent defalcations on the part of disbursing agents and officers of the United States; and by which it was ordered that no wages should be paid to persons who were in arrears to the government, till they had accounted for, and paid into the Treasury all sums for which they were liable—a similar law was passed during the administration of President Monroe—an act for the relief or benefit of Columbia College, in the District of Columbia—an act for the relief of purchasers of the United States land; allowing them further time of payment—an act granting the privilege of franking letters, to Hon. Charles Carrol, the only survivor of the patriotic band of worthies who signed the Declaration of Independence, July 4th, 1776—an act appropriating five thousand dollars for an addition to the library of Congress—an act authorizing the President to appoint agents “for designating and settling the line forming the northeast boundary of the United States, and for bringing the existing controversy with Great Britain, on that subject, to a speedy termination”—an act to empower the President to subscribe, on behalf of the government, for ten thousand shares in the stock of the Chesapeake and Ohio Canal Company—and an act for laying higher duties on several imported articles, than the laws of Congress then imposed, viz. on wool, and on woollen cloths; on cotton cloths; on iron, hemp, cotton bagging, sail duck, silks, molasses, and distilled spirits. On wines, the rate of duties was reduced, and no draw back was allowed on spirits distilled from molasses, nor on sail duck exported.

The additional duty on iron, caused complaints in some parts of the country; but those on woollen and cotton goods, were most strongly opposed, and denounced as unequal and oppressive. In the middle and southern States, where there were few or no manufactories of these goods, the opposition was loud and severe. The duties on low-

thousand dollars appropriated; which was probably not half its cost. It was voted by Congress, at the same session, to subscribe on part of the federal government, for ten thousand shares in the stock of the Chesapeake and Ohio Canal Company. And an appropriation was then made for defraying the expenses of agents of the Choctaw, Creek, Cherokees, and Chickasaw tribes of Indians, to explore the country west of the river Mississippi, in order to the emigration to that territory of such as should choose to remove and settle there.

\* The political parties in Congress, December, 1828, were nearly equal, the speaker was elected by only four votes majority; and he was opposed to the administration.

priced woollens was disproportionately high, and operated severely upon those who used them; and the southern planters made great use of them for their slaves. The complaint was also heard in the northern and eastern States, against the law, in this respect; for the lower classes of people in those parts also purchased largely of the coarser woollens for common use. The merchants and citizens of Boston, in their memorial and remonstrance against an increase of duties on imported woollen goods, in 1827, asserted, that the American system, so called, was founded in error and injustice; that it would eventually prove injurious to the manufacturers themselves, and was unequal and oppressive in its operation: oppressive to the lower classes of the people, and unequal as to different sections of the Union."

The message of the President to the national legislature, at the opening of its annual session, contains a summary of the proceedings of the executive during the recess of Congress, and gives a statement of transactions and occurrences relating to the public affairs of the government and its officers. In that of President Adams, December, 1828, which was the last he communicated, on a similar occasion, he represented the United States to be in a highly prosperous condition, enjoying peace with all other nations; and making rapid advances in population and wealth, and in the use of their abundant resources and means for internal improvements. The President referred particularly to the subject of the northeastern boundary of the United States, between Maine and New Brunswick, and informed Congress, that, as the agents of the two governments, employed for the purpose, were unable to agree, the question would be referred to the King of the Netherlands; in whose impartiality and probity he had the utmost confidence. The subject was becoming every year more interesting to the people of Maine, and of other parts of the United States; and interferences and collisions had happened between the inhabitants of the two contiguous territories, as each claimed the same tract of country. Several citizens of Maine made settlements on the disputed territory, and the British claimed jurisdiction over the whole, and frequently attempted to exercise authority accordingly. The argument of the government of New Brunswick for this was, that, as all the tract in dispute belonged to Great Britain before the treaty of 1783, recognized and confirmed by the treaty of Ghent, in 1815, it

ought to continue under its control and in its possession, until it should be found to belong to the United States.

In speaking of the relations with France, the President said, that there was good reason to believe the claims to indemnity for depredations—committed on the commerce of the United States, during the revolutionary governments of that country, and which had been many years presented and urged—would be admitted, and justice be done to American citizens whose property was seized and confiscated.

The political and commercial relations with Great Britain were not, in the opinion of the President, of an unfriendly character, though the difficulties still remained, as to the trade with her American colonies. “The interdiction of a *direct* trade with British ports in America had not proved extensively injurious to the commerce of the United States. Indeed the exports, the revenue, and the navigation of the country, had suffered no perceptible diminution by our exclusion from *direct* access to British colonial ports.” Different channels had been found for an exchange of commodities desired by both countries. The produce of the United States needed by the British in their colonies, was conveyed indirectly to the islands and elsewhere. The subject, however, was earnestly recommended by the President to the early attention of Congress.

The message announced that a treaty would probably then soon be made with Austria; which, it was believed, would be for the commercial benefit of the United States. And in this treaty, the President observed, “care had been taken to establish and extend those principles of liberal intercourse and of fair reciprocity, which intertwine with the exchanges of commerce, the principles of justice, and the feelings of mutual benevolence.” “This system,” he added, “*first* proclaimed to the world, in the first commercial treaty by the United States—that with France, on the 6th of February, 1778—has been, invariably, the cherished policy of the Union. And it is by treaties of commerce only that it can be made, ultimately, to prevail, as the established system of all civilized nations. With this principle, our fathers extended the hand of friendship to every nation of the globe: and to this policy our country has ever since adhered. For whatever of regulation in our laws has ever been adopted, unfavorable to the interest of any foreign nation, has been essentially defensive, and counteracting to similar previous regulations on their part, operating against us.” A hope was expressed by the President in this message, that

these principles would soon be recognized and approved by the whole civilized world.

“The condition of neighboring American nations in the south, was rather that of approaching, than of settled tranquillity. Internal disturbances had been more frequent among them than was anticipated : but the intercourse of the United States with them continued to be that of friendship and of mutual good will. Treaties of commerce and of boundaries with the united Mexican States had been attempted, and were still in process of negotiation, but had not been brought to a final conclusion, from various and successive obstacles. The finances of the federal government were never in a more prosperous state, than at this period ; and yet there had been no unnecessary stinting of the public expenditures for great national works of defence or internal improvement. The revenue arising from imports was of greater amount than had been estimated. The receipts into the public treasury amounted to *twenty-four million and ninety-five thousand dollars*. The expenditures amounted to twenty-five millions and a half ; which included over nine millions paid for reducing the public debt of the nation, which was at six per cent. : thus reducing the annual interest somewhat more than half a million. To the receipts of the year should be added, when comparing these with the expenditures, five millions in the treasury, at the beginning of 1828 ; thus allowing for the yearly expenses, should it be needed, the sum of twenty-eight millions. The amount paid for interest on the old public debt, was over three millions ; and that debt was now reduced to fifty-eight millions. In the opinion of the President, the revenue of the succeeding year would equal and probably surpass that of 1828 : “for the uniform experience of forty years had shown, that whatever had been the tariff of duties on imported articles, the amount of importations had always borne an average value, nearly approaching to that of the exports ; though occasionally differing in the balance. It is indeed, a general law of prosperous commerce, that the value of exports should, by at least a small balance, exceed that of imports—that balance being a permanent addition to the wealth of the nation. For the extent of the prosperous commerce of the nation must be regulated by the amount of its exports : and an important addition to the value of these, will draw after it a corresponding increase of importations.

“It has happened, in the vicissitudes of the seasons, that the harvests of Europe have, in the late summer and au-

turn, fallen short of their usual average. A relaxation of the interdict upon the importation of grain and flour from abroad has ensued; a propitious market has been opened to the granaries of our country; and a new prospect of reward presented to the labors of the husbandman; which, for several years, has been denied. This accession to the profits of agriculture, in the middle and western portions of the Union, is accidental and temporary: it may continue but for a single year. But we may consider it certain, that, for the approaching year, it has added an item of large amount to the value of our exports, and that it will procure a corresponding increase of importations. It may therefore be foreseen, that the revenue of 1829 will equal and probably exceed that of 1828; and will afford the means of extinguishing *ten millions* more of the public debt. This new element of prosperity to that part of our agricultural industry, which is occupied in producing the first article of human subsistence, is of the most cheering character to the feelings of patriotism. The great interests of an agricultural, commercial, and manufacturing nation are so linked in union together, that no permanent cause of prosperity to one of them can operate without extending its influence to the others. All these interests are alike under the protecting power of the legislative authority; and the duties of the representative bodies are to conciliate them in harmony together. So far as the object of taxation is to raise a revenue for discharging the debts and defraying the expenses of the community, it should, as much as possible, suit the burden with equal hand upon all, in proportion with their ability of bearing it without oppression. But the legislation of one nation is sometimes intentionally made to bear heavily upon the interest of another."

In this connection, referring to the policy of the national government, which afforded encouragement to domestic manufactures, opposed by a large portion of the people, to the extent then given, but of which the President approved, he asks, "Is the self-protecting energy of this nation so helpless, that there exists, in the political institutions of our country, no power to counteract the bias of foreign legislation? That the growers of grain must submit to this exclusion from the foreign markets of their produce? That the shippers must dismantle their vessels? The trade of the north stagnate at the wharves, and the manufacturers starve at their looms, while the whole people shall pay tribute to foreign industry, to be clad in a foreign garb? That the Congress of the Union is impotent to restore the balance in

favor of native industry, destroyed by the statutes of another realm? I trust more just and generous sentiments will prevail. "If the tariff of the last session of Congress shall be found, by experience, to bear oppressively upon the interests of any one section of the Union, it ought to be so modified as to alleviate its burden. To the voice of just complaint from any portion of their constituents, the representatives of the States and people will never turn away their ears. But so long as the duty of the foreign shall operate only as a bounty upon the domestic article; while the planter, the merchant, the shepherd and the husbandman, shall be found thriving in their occupations, under the duties imposed for the protection of domestic manufactures, they will not repine at the prosperity shared with themselves by their fellow citizens of other professions, nor denounce, as violations of the Constitution, the deliberate acts of Congress, to shield from the wrongs of foreign laws the native industry of the Union.

"While the tariff of the last session of Congress was a subject of legislative deliberation, it was predicted by its opposers, that one of its necessary consequences would be to impair the revenue. It is yet too soon to pronounce, with confidence, that this prediction was erroneous. The consequence of the tariff will be to increase the exportation and to diminish the importation of some specific article. But by the general law of trade, the increase of exportation of one article will be followed by an increased importation of others, the duties on which will supply the deficiencies which the diminished importation would otherwise occasion. The effect of taxation upon the revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet, no symptoms of diminution are perceptible in the receipts of the treasury; as yet, little addition of cost has been felt on the articles burthened with heavier duties by the last tariff. The domestic manufacturer supplies the same or a kindred article at a diminished price; and the consumer pays the same tribute to the labor of his own countrymen, which he must otherwise have paid to foreign industry and toil.—"The tariff of the last session was, in its details, not acceptable to the great interests of any portion of the Union; not even to the interest which it was specially intended to subserve. Its object was to balance the burdens on native industry imposed by the operation of laws; but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle, sanctioned by that act, one of those upon which the Constitution itself



was formed, I hope the authorities of the Union will adhere. But if any of the duties imposed by the act, only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry, and remove or supply the place of those, which only alleviate one great national interest by the depression of another."

Great complaints were made from some parts of the United States, against the additional duties imposed on cotton and woollen goods by the tariff of 1828; on the ground that the former rate of duties was a sufficient protection for domestic manufactures; and also that the law, in its operation, pressed unequally on different sections of the country. It was said to be a tax on the non-manufacturing, for the benefit of the manufacturing, States. These complaints, though not confined to the States in the southern parts of the Union, were there more loud and vehement; and it was apprehended, that some of the State legislatures might impugn the authority of the federal government to impose a law of such a character and results as the tariff, which was adopted at the previous session of Congress. It was probably with reference to this state of things, that the President submitted some of the above remarks; and that induced him also to add the following:—

"The United States, and the people of every State of which they are composed, are each of them *sovereign powers*;\* while the legislative authority of the *whole* is exercised by Congress under authority granted by the Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the Constitution of the State. *Each is sovereign within its own province.* The distribution of powers between them presupposes that these authorities will move in harmony with each other. The members of State and General governments are all under *oath to support both*; and *allegiance is due to the one and to the other.* The case of a conflict between these two powers has not been supposed; *nor has any provision been made* for it in our institutions."

"More than once, in the progress of our history, have the people and the legislature of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations,

\* As strong an expression in favor of State rights and powers, as any real federalist, or anti-consolidationist might reasonably approve or desire.

that the acts of Congress, to be resisted, were *unconstitutional*.\* The people of no one State have ever delegated to their legislature the power of pronouncing an act unconstitutional; *but they have delegated to them powers, by the exercise of which the execution of the laws of Congress, within the States, may be resisted*; if we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities. Patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims."

The policy and conduct of President Adams, in his treatment of the Indian tribes, were in accordance with the measures of his predecessors. He sought to promote their welfare and to protect their rights; at the same time, that he provided means of defence for the people in the new settlements near them, from their depredations. Under his administration, several large tracts of land were purchased of the tribes, lying west of the Ohio and Mississippi rivers, and within the northwest territory. These purchases were made in compliance with the laws of Congress for that purpose; and the promises and engagements of the government with them were faithfully fulfilled. No complaints were afterwards made by the tribes against the executive, relating to these transactions.

The view which he and his predecessors took of the tribes, was such as justice and humanity, and the consideration of the character and condition of the tribes, appeared

\* The open opposition to the laws of the federal government, in Pennsylvania, in 1794, on account of the excise on whisky, was by a part of the people, and not by the sanction of the legislature of that State; the allusion here, by the President, was probably, therefore, to the opposition manifested by the State legislatures of Virginia and Kentucky, in 1798, to the alien and sedition laws of Congress, of that period. Each of the legislatures of those States solemnly declared their opinion "that those laws were *unconstitutional*; and therefore to be accounted null and void." But they did not engage in nor actually prepare for open and forcible resistance to the execution of the acts of the general government, as was done by the State of South Carolina in 1833. They communicated their resolutions and opinions to the other States of the Union, for the purpose of ascertaining their views, and that a remedy might be provided for a constitutional preventive of such arbitrary laws, as they supposed they were. Perhaps it was a rash and unjustifiable measure to adopt such resolutions; but it should be remembered that they appealed to other State legislatures to decide on the question, with the intention of inducing Congress to repeal the laws so obnoxious to them. It does not appear that they meditated forcible resistance to the execution of the laws of the federal government, but only to assert the right of a State legislature to remonstrate against an act of Congress believed to transcend the power granted by the national compact.

to dictate. They were originally independent nations, or tribes; and they had rights, uncivilized and illiterate as they were, which were to be recognized and respected by the general government. And yet it was deemed proper to exercise, in some measure, a guardian and superintending, or controlling authority over them, to preserve peace among them, and to save them from impositions and frauds from individuals in the United States. Such indeed had been the views of the federal rulers from the first.

The opinion of President Adams, as to the political condition of these uncivilized tribes, and of the relations between them and the government of the United States, is clearly indicated by the following paragraph in his last annual message to Congress, December, 1828.—“At the establishment of the federal government under the present Constitution of the United States, the principle was adopted of considering them as foreign and independent powers, and also as proprietors of lands. They were, moreover, considered as *savages*, with whom it was our policy and our duty to use an influence in converting to Christianity, and bringing within the pale of civilization. As independent powers, we negotiated with them, by treaties; as proprietors, we purchased of them all the lands which we could prevail on them to sell; as brethren of the human race, rude and ignorant, we endeavored to bring them to the knowledge of religion and of letters. The ultimate design was to incorporate in our own institutions that portion of them, which could be converted to the state of civilization.

In the practices of European States before our Revolution, they had been considered as children to be governed, as tenants at discretion, to be dispossessed as occasion might require; as hunters, to be indemnified by trifling concessions for removal from the grounds on which their game was extirpated. In changing the system, it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles, or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds, we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of Christianity, we have *unexpectedly* found them forming, in the midst of ourselves, communities claiming to be independent of ours, and rivals for sovereignty within the territory of the members of our Union.

This state of things requires that a remedy should be provided—a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederacy their rights of sovereignty and of soil.”\*

The President referred, with approbation, to a plan proposed by the Secretary of War;† who, in his report at that time, had said, “that in their present destitute and deplorable condition, which is constantly growing more helpless, it would seem to be not only the right, but the duty of the federal government to take them under its paternal care, and to exercise, over their persons and property, the salutary rights and duties of guardianship. The most prominent feature in the present policy of the government, as connected with these tribes, is to be found in the efforts now making to remove them beyond the limits of the States and organized territories. A very extensive tract of country, west and north of the Arkansas territory, remarkable for salubrity of climate, fertility of soil, and profusion of game, has lately been set apart for the colonization of the Indians. Liberal pecuniary inducements have been offered by Congress to emigrants, and many have already embraced the offer. But the ultimate success of the project has been greatly endangered, and may yet be defeated, by the operation of another prominent measure of government; which, although suggested by the most humane motives, comes in direct conflict with the plan of colonization.‡

“The annual appropriation of ten thousand dollars to the purposes of educating Indian children, and teaching them the mechanic arts, has had the effect to draw to almost every Indian reservation, in addition to the agents and interpreters, a considerable number of missionaries and teachers, with their families, who having acquired, chiefly by aid of the fund, very comfortable establishments, are unwilling to be

\* Here it seems to be admitted that the claims of State governments, over the Indian tribes, within their several limits, was just. But no State authority could hence be justified in treating the tribes with oppression or severity, in exercising authority over them.

† Hon. James Barbour of Virginia, was then the secretary of the war department.

‡ However unpleasant this suggestion may be, to some pious and benevolent men, its propriety cannot justly be denied. Some missionaries have imprudently interfered in the affairs between the Indian tribes and the general government. Their motives, no doubt, were commendable, and they have been instrumental of good, in some cases. But they have also sometimes stepped aside from their proper course, and advised the Indians not to remove nor give up their lands, when the government has been urging them to remove, in the belief that it would be for their benefit and preservation.

deprived of them by the removal of the Indians: and thus it is found that, while the agents specially employed by the government for this purpose, are engaged in persuading, by profuse distributions of money and presents, *the Indians to emigrate, another set of government agents are operating, more secretly to be sure, but not with less effect, to prevent such emigration.*

"If the project of colonization be a wise one, and of this I believe no one entertains a doubt, why not shape all our laws and treaties to the attainment of that object, and impart to them an efficacy which will be sure to effect it? Let such of the emigrating Indians as choose, continue, as heretofore, to devote themselves to the chase, in a country where their toils will be amply rewarded. Let those, who are willing to cultivate the arts of civilization, be formed into a colony, consisting of distinct tribes or communities, but placed contiguous to each other, and connected by general laws which shall reach the whole. Let the lands be apportioned among families and individuals in severalty, to be held by the same tenures by which we hold ours; with, perhaps, some temporary and wholesome restraints on the power of alienation. Assist them in forming and administering a code of laws adapted to a state of civilization.\* Let the ten thousand dollars appropriation be applied, within the new colony exclusively, to the same objects for which it is now expended; and add to it, from time to time, so much of our other annual contribution, as can be thus applied, without a violation of the public faith." As to those Indians who refused to remove, the Secretary of War proposed, that portions of land occupied by them, and sufficient for them, should be set apart for their sole use; but that they should be subject to the municipal laws of the State in which they resided.

The question of a just and proper treatment of the Indian tribes in the United States; touching their occupancy and claims of large tracts of land, of which they made no use, except that of hunting, their frequent wars among themselves, and their liability to frauds or oppression from individuals—had often been presented to the federal rulers, and been the cause of much anxiety and difficulty. In

\* A similar system was adopted, as to several tribes of Indians, in Massachusetts, at an early period; and was productive of good effects for some years; but the influence was not extensive nor lasting. The experiment served to confirm the opinion, which now generally prevails, that they cannot be civilized. They prefer a wandering, hunting, unsettled manner of life.

some parts of the United States, they claimed immense territories, which lay waste and without inhabitants, except that the hunter occasionally traversed them, or portions of them, in seeking for game.\* It was therefore desirable to purchase these lands, for future settlement by citizens of the Union. And this was effected, to a great extent, on principles of fair and just contract. But as many of the tribes chose not to relinquish their lands, another difficulty arose, not so easily settled or removed. The State government, where they remained, claimed the jurisdiction and sovereignty of all persons within its limits; while the Indians refused obedience, in many instances, except to their own laws and customs. As an abstract question, the claims of the State governments seem well grounded; but in many cases, their treatment of the aboriginal inhabitants were improper and severe; and the measures adopted, in governing them, equally unwise and unjust.†

\* Their perfect and exclusive right to lands, used only for hunting, has always been denied or doubted, in so far as that the consent of the government has been deemed necessary to render the title valid by law, when an individual purchased their land. The tribes have not been allowed to sell their lands, in any State or colony, to individuals, without the sanction of the legislature. One reason for this was, indeed, to prevent all fraud or injustice towards the Indians; but on the consideration, also, that the grants of large tracts or territories from the princes of Europe, gave only a pre-emptive claim, and that the government of each colony had the jurisdiction and sovereignty within its territory or patent.

† The number of Indians within the United States, at this time, was supposed to be upwards of 303,000. In the State of Georgia, 5,000,—in Alabama, 19,000,—in Mississippi, 23,000,—in Missouri, 5,000,—in Michigan, 9,000,—in Illinois, 5,000,—in Arkansas, 7,000,—94,000 east of Rocky Mountains,—20,000 east of Mississippi river, and north of Illinois, &c.

## CHAPTER XIII.

Andrew Jackson elected President. His character as a Statesman. His Political Views. Promises Economy and Reform. Surrounded by flatterers, and under the influence of selfish Individuals. His professions of impartiality, not fulfilled. Partial in his Appointments. Disposed to exercise too great Authority, under the plea of the Public Good, or of Executive Prerogative. His purpose to pay off Public Debt; and to pursue the Plan of his Predecessors. This system commended by President Monroe, and pursued by Mr. Adams. The Finances in a prosperous state when General Jackson was elected President. The pretence of extravagant Expenses by President Adams not well founded. Prejudices against Banks. Opposition to Bank of United States. Opposed to Internal Improvements.

ANDREW JACKSON, of Tennessee, succeeded Mr. Adams, as President of the United States, on the fourth of March, 1829. He was a candidate for that high office, four years before, when Mr. Adams was chosen by the Representatives, on whom the election devolved in 1825, as there was no choice by the electoral colleges in the States. The political friends of General Jackson had not ceased in their efforts, from that time, to secure his election. He had some time held a high judicial office in Tennessee; and was also several years a member of the Senate of the United States; but he was most distinguished for military prowess. He was alike brave and intelligent, as a military commander; but was sometimes accused of rash and arbitrary conduct. He rendered the nation eminent service in defending New Orleans, when attacked by a large British army in December, 1814, and January following. When afterwards, he was governor of the territory of Florida, he conducted with much decision and energy; but was charged with some arbitrary acts, which could only be justified—if justified at all—by the exigencies which occurred; and which, in his opinion, required prompt and summary judgment. His friends claimed for him many high and honorable qualities; and few doubted his regard for the welfare and liberties of the country. A great defect in his character was his susceptibility to flattery; by which he was led to adopt measures not entirely consistent with political magnanimity, nor compatible with a due respect for consti-

tutional principles, though without intention, it might be, to violate the letter or spirit of that sacred compact.

President Jackson assumed great powers, doubtful powers; and was, in some instances, arbitrary in his official conduct. For whenever a public officer exercises power not clearly given in the Constitution, he may be said to act *arbitrarily*. And nothing can justify one in such cases, except the most evident and urgent necessity, and when omission to act would injure or endanger the public good: for some temporary evil had better be endured, than great constitutional principles be disregarded, with the pretence of removing it.

In a military commander, there must be some discretionary power: but even in him, the power should be exercised with great caution, and is rarely justifiable, if contrary to or exceeding his legitimate authority, and the directions given him by the civil power. And undoubtedly the discretionary authority claimed by military officers are often abused, or unnecessarily exerted. But cases very seldom occur in a republic, where the powers and duties of an officer of the government are clearly defined, and where laws are as much a rule for him as for the people generally, in which the exercise of powers, not delegated, is necessary or justifiable. If a difficult question arises, its solution should be left to the legislative branches of the government, to the representatives of the people, and not hastily decided by the executive officer alone. It is sufficient for him to refer the case to the determination of Congress. President Jackson in some instances of his executive conduct was considered arbitrary, and as having assumed responsibility which did not belong even to his high station, and when an omission to act could not be justly charged against him as any dereliction of official duty, or as endangering the public welfare. It is unhappily the fact also, that when a man's passions and prejudices are enlisted in a cause, however patriotic his intentions, he is liable to err, and to exceed the authority given him by his constituents and the laws.

The assumption of power, not delegated to a public agent, is always dangerous: and it is a poor apology, in such a case, that the public good seemed to require it, or that he is only carrying out the wishes of the people. For what are the opinions and wishes of the majority, in a republic or democracy, where the people are liable to great and sudden excitement, and to erroneous opinions, from the intrigues and clamors of a few selfish men, cannot be



correctly known by one surrounded by a political party : and in acting from such considerations and representations, the measures adopted may be very improper and highly dangerous. But, in conforming to the constitution and the laws, there is no danger ; certainly, there is no error in the officer or magistrate. Republics have thus often been destroyed, and have degenerated into arbitrary governments and absolute monarchies. If the constitution and the laws are not a rule, and of binding force, with men in power, there are no barriers against despotism ; there is no security for liberty and equal rights.

Of the subjects long under discussion and negotiation with foreign nations, the most important, left unsettled by President Adams, were that of the commercial intercourse with great Britain, and that of demands on France for indemnity, on account of depredations on the commerce and navigation of the United States, during the revolutionary period of the French nation. Efforts had been making, for more than ten years, to obtain compensation for these losses, but the subject had not been finally and satisfactorily settled. And the restrictions, imposed by the British government, on the trade between that country, especially its colonial ports, and the United States, had not been removed.

In July, 1825, the former colonial policy was somewhat changed by the British administration ; and efforts were made for supplying the West India islands, which had received various articles from the United States, from their possessions on the continent of America, from Canada, Nova Scotia, and New Brunswick. Trade was opened to and with all other nations, to which colonies belonged ; so that the United States was excluded from the benefits which the nations of Europe might secure. There was another difficulty attending the subject. While the federal administration was considering in what way the United States could best avail itself of this measure of the British government, the latter, in July, 1826, passed an order excluding the vessels of the United States from their colonial ports. And in this state, the commercial relations of the two countries remained when President Adams retired from office.\*

\* Mr. Gallatin, envoy at the court of London, returned in 1827 ; and no other minister was appointed by Mr. Adams. In 1829, President Jackson appointed Mr. McLane, of Delaware, to the British court ; Mr. Rives, of Virginia, to the court of France ; and Mr. Van Ness, of Vermont, to Spain.

In his inaugural address, President Jackson expressed sentiments and views generally acceptable to the people through the Union; and it was predicted that his administration would be propitious to the welfare and honor of the nation. He had always professed a high regard for his predecessors, and particularly of Mr. Adams, for his ability and patriotism, as well as for his great political experience and knowledge: and he had previously expressed opinions, which indicated a superiority to party feelings, and which authorized the belief of impartiality and magnanimity in his appointments to office; but a different spirit was early displayed, showing a purpose to place none in power but his devoted political supporters; a weakness, subjecting him to the influence of the selfish and intriguing.

The message of President Jackson, in December, 1829, served further to express his views on political subjects, and on the policy most conducive to the welfare and prosperity of the country. In referring to the condition and prospects of the United States, as a great republic, he rendered high praise to the ability and services of his predecessors. "Our mutual gratulations, and our devout thanks to a benign Providence are called for, as we are at peace with all mankind, and our country exhibits the most cheering evidence of general welfare and progressive improvement." Speaking of the relations of the United States with Great Britain, France, and Spain, with the governments of which negotiations had been several years maintained for deciding questions of commerce, claims, and boundaries, he expressed his belief that no hostile feelings or views existed, although full justice had not been done to this country, and there was a want of that spirit of magnanimity, in some cases, which had been expected; and that there was reason to hope for an amicable termination of all questions which had before been unsettled. These principally related to the colonial trade and boundaries with Great Britain; to demands for spoliation with France; and to claims on Spain for depredations, as well as to the formation of a commercial treaty. Congress were informed that these subjects had received the anxious attention of the executive, but that the issue was not known, as the ministers employed for the purpose, had not yet time to come to any definitive results.

It had, for some time, been the policy of the federal government to keep an adequate naval force in the Mediterranean, to deter the Barbary powers from committing depredations on American citizens and their property. And it had the effect of producing a friendly conduct in those pow-

ers towards the United States; whatever might be their disposition to injure its commerce, had there been no means to protect it. By employing several ships of war in the Pacific ocean, protection had also been afforded to American vessels engaged in the whale fishery in that sea. The President bore testimony to the wisdom and benefits of these measures. He complained of the conduct of the Mexican government; which, if not absolutely hostile, could not be justly considered so amicable as had been expected from that republic, professing so great regard for the character, and so strong a desire for friendly relations with the United States. That government had refused to ratify a treaty, a short time previously prepared by ministers of both republics: and for the confirmation of which the federal administration was very desirous, as its provisions were deemed favorable to the United States. The minister from the United States had also been an object of jealousy and unfriendly treatment by the Mexican court, without any reasonable cause, and his recall strongly urged upon the President. He therefore returned, by order of President Jackson, in 1829; a proper measure, when thus requested, whether he were justly or unjustly charged with misconduct in his official capacity. The President, however, expressed his entire satisfaction with the conduct of that minister on the occasion.\*

A treaty with the Emperor of Brazil was concluded and signed, in December, 1828; and was ratified by the President and Senate the 18th of March, 1829. This was a general convention of peace, friendship, commerce, and navigation. The minister of the United States, who signed the treaty, was appointed by President Adams, sometime before; for it had long been an object with the federal government to maintain friendly relations with the Brazillian Emperor, and to form a treaty similar to those with European powers. The terms of the convention were deemed favorable to the United States, as the territory of Brazil afforded a market for bread stuffs and other products of the nation. And many articles were imported from the provinces of Brazil which were needed by the people of the United States. These were to enjoy the privileges of the most favored nation, except that of Portugal, which was the parent State of Brazil, and whose Emperor was of the royal house of Braganza.

\* Joel R. Poinsett was at that time minister from the United States to Mexico. The principal objection to his conduct, by the Mexican government, was alleged interference with the society of free-masons.

Great changes were made by President Jackson, soon after he came into power, in the public agents and officers of government, of all classes and grades: in the cabinet, in the department of diplomacy, and in all subordinate stations. It was expected that the members of the cabinet would be selected from among his political and personal friends; and that such also would, in most instances, be appointed to office, where there were then vacancies, or as they should occasionally occur. But in a great number of cases, within one year, removals from office were made solely on account of political opinions, or to reward the devoted friends of the President. Among others, William H. Harrison, then minister to the republic of Columbia, by appointment of President Adams, a short time before, was recalled, for the purpose of giving office to a personal friend of the President, believed to be inferior in talents, experience, and public service, to that able and faithful patriot.

These numerous removals from office of capable and upright men, indicated a spirit of political intolerance, entirely unjustifiable, if abstractly considered, and inconsistent with the professed opinions of the President, at a former period. He yielded too much to the representations and solicitations of selfish individuals, who sought their own emolument, with little regard to the public welfare. This narrow policy was not, indeed, entirely new under the Jackson dynasty. Mr. Jefferson introduced it when he was chief magistrate of the Union. Not, indeed, to the extent in which it was practised by President Jackson; but the principle was the same. And it was surprising in Mr. Jefferson, who possessed enlarged and philosophical views, and who admitted, that, with some differences of political opinions, "the citizens were all *federalists* and all were *republicans*." In some of the States also, at a period subsequent to the presidency of Mr. Jefferson, the governors imitated this intolerant and persecuting spirit; and many faithful and capable public officers were deprived of their places, merely because they did not belong to the dominant party. Those who had acquiesced in this mistaken policy, in the time of President Jefferson, and under the governors of some of the States, or who had refrained from expressing their disapprobation of it, were now found to be the loudest in their complaints, and most ready to express their reprobation of such an abuse of power.

The President's views expressed in this message to Congress, were truly republican; but his political opponents had cause to complain, that his official conduct was not

always in accordance with his professions. "There are, perhaps," he said, "few men who can, for a great length of time, enjoy office and power, without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations *immediately* addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of *tolerating conduct*, from which an unpractised man would revolt. Office is too apt to be considered as a species of property; and government rather as a means of promoting individual interests, than as an instrument created solely for the benefit of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends; and make it an engine for the support of the few at the expense of the many.—The duties of all public officers are, or admit of being made so plain and simple, that men of intelligence may readily qualify themselves for their performance: and I cannot but think that more is lost by the long continuance of men in office, than is generally to be gained by their experience." A recommendation was made by the President to have the commission of most public officers for the term only of four years, as was before provided by law, with respect to those who are receivers of the public monies. It would have been happy for the government and for the people, if such regulation always existed; and if it were strictly enforced. Many millions would have been saved by the nation, during the administration of President Jackson, had the regulation been faithfully observed and enforced. In an extensive country like the United States; where there is a necessity for a great number of public agents, there will be numerous defalcations and embezzlements, except a strict and prompt accountability is required and maintained.

The following paragraphs from the President's message to Congress at this time, will show the state of the public finances and revenue, and the resources of the country, as they were apprehended by his mind; but they were not materially different from the statement made by his predecessor the year before.

"No considerable change has occurred, during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, nor so beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic

competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no reason to doubt.

"To regulate its conduct so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted, that the complicated restrictions which now embarrass the intercourse of nations, could not, by common consent, be abolished; and commerce be allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. With these impressions, the attention of Congress is invited to the existing tariff, in the belief that some of its provisions require modification.

"The general rule to be applied, in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it appears important that it should never be attempted but with the utmost caution. Frequent legislation, with regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

"In deliberating therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day, must prove injurious, and ought to be discountenanced. Our action on these subjects should be under the control of higher and purer motives. Legislation, subject to such influences, can never be just; and will not long retain the sanction of the people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance, which gave life to

our political compact, and still sustains it. Discarding all calculations of political ascendancy, the North, the South, the East, and the West, should unite in diminishing any burthen, of which either may justly complain.

"The agricultural interests of our country are so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite your particular attention to it. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government."

The views of President Jackson here expressed, do not differ materially from those of his predecessors on these subjects. But while all concurred in attaching importance to agriculture, and in recommending its interests to the fostering care of Congress, there was very little direct legislation for securing the prosperity, and improving the condition of that great branch of national wealth. The natural and common doctrine of leaving each department of industry and enterprise to take care of itself, as inclination and profit dictate, seems to have been adopted with respect to agricultural pursuits; while particular laws have been passed, at various periods of the government, for the protection of commerce and manufactures. Commerce has received the favor of government indeed, for its great contributions to the public revenue; and it would be most unwise and unjust, to withhold from it the protection it receives. In a young and growing country like the United States, it would have been impolitic also, to refuse all encouragement to manufactures. The principal objection to the tariff of 1824 and of 1828, was that too much encouragement was given to manufacturers, and that they received a degree of public patronage far exceeding that granted to any other class of citizens. With an enlightened politician, the great questions would be, What measure of protection can impartially and justly be granted to any particular branch of industry? And how will such patronage affect the revenue and the finances of the government? President Jackson was censured by a portion of the community, as an enemy to domestic manufactures, because he doubted the policy of the tariff of 1828, and recommended a revision of it, as it was unequal and oppressive in its operation in some parts of the Union. But he did not disapprove of the policy of affording a reasonable encouragement to domestic industry; nor did he, in his public communications to Congress, differ

essentially from the opinions expressed by his immediate predecessor, on the subject, particularly in his last annual message to the national legislature.

The question of granting special encouragement to manufactures in the United States, at this period, and for some years previously, was one of great excitement throughout the Union. The manufacturers solicited and demanded a greater measure of aid from the government, than was deemed proper by many to afford. The protection first granted in 1816, met with very general approbation. But the law of 1824, which imposed higher duties on cotton and woollen goods, expressly for the benefit of manufactures, even at the hazard of a great diminution of the revenue; and that of 1828, raising the duties still higher in some cases; were opposed by a large portion of the people, through the United States; and in some States was denounced as unjust and even unconstitutional. The more intelligent and experienced statesmen were in favor of the patronage of the general government towards manufacturers, so far as might be effected by regulations operating equally in all sections of the country; as should not bring any detriment to commerce and navigation; and as should not induce too great a part of the people to neglect agriculture, and engage in manufactures, from the expectation of enjoying the peculiar favor and patronage of government.

A strong desire was expressed by the President for effecting the payment of the national debt with all possible promptitude. He recommended such an annual payment, as that the whole might be extinguished in the term of eight years. But this was not a new policy, nor a plan peculiar to him. A system had been established ten years before, in the presidency of Mr. Monroe, for reducing the public debt of the United States in the sum of ten millions annually. Mr. Adams adopted the same policy; and in the course of eight years about one half of the debt had been discharged. Pursuing a similar course, the present administration might justly be expected to pay the whole which remained, besides liberal expenditures for all important, national purposes.

Notwithstanding the high duties imposed by the law of 1828, on several kinds of imported goods, the revenue had increased in 1829, to a large amount: owing in part however, to extensive sales of the public lands. For at this period the purchasers of lands in the west and northwest, belonging to the United States, had greatly increased. With these means, twelve millions of dollars were paid of



the national debt; but particular efforts were made by the administration to pay as large an amount of it as possible. The public deposits were appropriated for this purpose, which caused considerable pressure in the monetary concerns of the country. "And it was apprehended," the President said in his annual message to Congress, "that the sudden withdrawal of so large a sum from the banks, in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodation. But this evil was wholly averted by an early anticipation of it at the treasury; aided by the judicious arrangements of the officers of the bank of the United States."\*

The wise management of the fiscal concerns of the government, under former administrations, was recognized by President Jackson, in his public address to the national legislature, at this time. "The state of the finances, exhibits the resources of the nation, in an aspect highly flattering to its industry, and indicative of the ability of government, in a short period, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprize. The fiscal powers of the several States will also be increased, and may be more extensively exerted in favor of education and other public objects; while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority."

The attention of Congress was at this time called, by the President, to the consideration of the disposal of the surplus revenue, after the extinguishment of the national debt, which would probably be in eight years. He deemed it prudent to prepare for such distribution before that event occurred. And one great inducement with him to recommend the distribution of the surplus revenue, on the payment of the public debt, was, that it would be more proper for the individual States to make appropriations according to their own views, than for the general government. For, like some of his predecessors, he had doubts of the constitutional authority of Congress to expend the funds of the nation for internal improvements.

\* At this period, it appears that the President had a favorable opinion of the bank of the United States. The government then held stock in that bank, to the amount of seven millions of dollars.



In this first message of President Jackson to Congress, giving his views of the fiscal concerns of the government, he refers to the various instances of default in disbursing officers for several years preceding; and invites the consideration of the federal legislature to the subject, with a view to their providing more effectual preventives of similar evils in future. Similar suggestions had been made to Congress by President Monroe, and President Adams; by whose recommendations laws were passed more carefully to guard the public money in the hands of receiving agents, by requiring frequent statements from them, and prompt settlement of accounts at short periods, fines, and removals from office. But all these guards proved ineffectual, and the losses sustained by the government still occurred every year to a large amount. The laws appeared to be sufficient, on this subject; and the frequency of these defalcations were probably owing, in part, to the want of energy and fidelity in the higher officers of government, whose duty it was to examine into the conduct of subordinate agents, who were receivers of the public money; and to punish or promptly remove the delinquents, and to exact pay of their bondsmen.

President Jackson's views and professions on this subject were correct and proper; but, from a want of due care in some of the principal officers in the executive department, during his administration, defaulters were more numerous than they had been at any former period. The delinquents were kept in office, in many cases, long after their defaults were manifest, either from a desire not to make those enemies to the administration who had been its friends and supporters; or from too great lenity in the superior officers whose duty it was to bring the defaulters to just punishment. The President recommended a discharge or a remission of the debt from public agents who were delinquents unconvicted of fraud. His motives might have been generous and humane; but in all financial concerns of a public nature, the careless and extravagant agent of government, should be held to a strict accountability. His motives cannot be known. Nothing but evident accident, entirely beyond his control, should be an apology sufficient to save him from public punishment. The experience of many centuries, in the nations of Europe, fully proves the necessity of severity or strictness towards all who are employed in receiving and disbursing the funds of government.

The President did not omit to refer to the condition of

the Indian tribes in the United States, and especially to those within the limits of a particular State. He was in favor of the plan of their removal, similar to that proposed by the Secretary of War, in the administration of President Adams. He felt the difficulty of deciding as to the proper and just treatment of them by the general government. He professed a desire for their welfare, for the support of their rights, and for their improvement in the arts of civilized life: and in these respects, did not differ in opinion from the former federal executives. But his views were different from theirs, as to the authority of the State governments over them, within whose limits they resided. His opinion of State rights was such as to lead him to the conclusion, that the Indians must submit to the jurisdiction and laws of the State where they lived; whereas the doctrine of most other statesmen was that they were to enjoy their own customs and regulations, subject only to the government of the United States; thus excluding all authority in an individual State to control or interfere with them. The States of Georgia and Alabama, had previously set up a claim to govern the Indian tribes, within their respective limits, in all cases: and they also demanded of Congress the removal of the tribes to some distant territory.

Former administrations had also been desirous of their removal, if they could be persuaded to do so; but had not admitted a right in a State to interfere with their municipal concerns, nor to compel their submission to its laws. And hence the previous dispute between the State of Georgia and the United States. President Jackson seems not at that time to have been in favor of any *compulsion* for their removal; but was inclined to admit the right of a State, where they were situated, to extend its jurisdiction over them. But the measures adopted afterwards, during his administration, to induce their removal, were by many deemed unjustifiable, and was a matter of great complaint against him.

By an act of Congress of May, 1830, provision was made for reviving and opening the *direct* trade with the British ports in the West India islands; which had long been prevented by the measures of the British government. The terms proposed in this act of Congress were accepted by the British administration, after having put their own construction on them; which the English minister said were somewhat obscure, and which he interpreted in a manner most favorable to his nation: and the American minister and administration, were desirous perhaps of having the

honor of negotiating successfully on the subject, which for many years could not be favorably adjusted by the preceding administrations. But the British ministry availed themselves of the *obscurity* in the act of Congress, and thus derived great commercial advantages from it, while the navigation of the United States received very little benefit under its operation.

The ports in the West Indies were, indeed, opened to vessels of the United States, with their products, on terms of reciprocity; but the same privilege was not secured for the trade with the British colonies in the north and northeast parts of the United States. And the consequence was, that the British enjoyed almost the entire carrying trade between those colonies and the ports of the American States. The trade with the islands was not so profitable as formerly, and gave much less employment to American navigation. The vessels from the British northern provinces and ports had free access to the United States on favorable terms, which the vessels of this country did not enjoy in visiting those colonies.\* On the approbation of the act of Congress, by the British ministry being declared, and their consent to its proposals, when *construed* as they chose, officially made known to the federal administration, the President issued a proclamation, in October, 1830, declaring the terms of the act of Congress to have been accepted by the British government as to the West India ports, and therefore that the ports of the United States were opened to British vessels from those islands: and declaring further, the admission of British vessels from the northern provinces, but without stating the *terms* on which they were to be admitted. This course of the administration was not approved by the mercantile portion of the community; and was generally considered to be unfavorable to the commercial prosperity of the United States, as yielding too much to the interests of Great Britain.

By the statement of the President, respecting the Post Office department, at this time, it appeared to have been conducted with great intelligence and fidelity. "The report of the Post Master General," he said, "was highly satisfactory. Abuses had been reformed, its revenue improved; and the

\* The act of Congress referred to the British ports in the West Indies, and stated the terms on which the ports in the United States were to be opened to British vessels from those places. But did not extend these conditions to the north and northeast provinces of Great Britain. The trade to and with the latter remained as formerly regulated.

mail transported with increased expedition."\* The administration of this department was attended with many difficulties. There were constant requests for new routes for conveying the public mail. Every village in the Union, however small, and every new settlement, petitioned for the privilege of a Post Office: and many of them did not afford business sufficient to compensate the carriers. But it was deemed important, that every facility should be afforded for the circulation of newspapers and other publications, for the information of all classes of the people. The affairs of this useful department were not so skilfully nor so fortunately managed afterwards; whether from want of competency or attention does not appear: but it soon fell into a state of embarrassment; and the expenses of the department, in 1833, far exceeded its income.

As had been done by his predecessor, the President at this time recommended a revision of the judiciary system, for the purpose of extending equal privileges, resulting from that department of the government, to the citizens in the new, with those in the original States. Several States had then been formed in the Union, within twelve years; but the federal courts were held less frequently and in fewer places, in these new States, compared to the extent of territory, than in the old States. The subject had been under consideration in Congress at several previous sessions; but from a diversity of opinion, as to the number of additional justices, and the places of holding the courts, nothing had been decided.

The President referred in this message to the Bank of the United States, although its charter would not expire for more than six years. He said, "that both the constitutionality and the expediency of the bank were questioned by a large portion of the people:" and also expressed his own opinion, "that it had failed in the great end of establishing a uniform and sound currency." He probably had reference to the people in the interior, and not in the States where they were concerned in commerce and navigation; for the merchants and others, in the Atlantic States, were generally in favor of that bank; and they also fully believed that it did much to sustain a sound and uniform currency through the Union; which could not be supported without it.

If a similar monied institution were necessary, the President was of opinion, that one wholly of a national charac-

\* John McLean of Ohio, was then at the head of the Post Office department; but was soon after appointed a Justice of the Supreme Court of the United States.

ter, under the sole and exclusive direction of the federal government, and founded on the credit of the government, would be most proper. This was, in fact, the germ of the *sub-treasury* system of a later period; which proposes to keep the public monies in the hands or under the control of the executive; and to exclude the citizens from all the benefits they enjoyed by means of the bank of the United States, and would, in a great measure, remove the public funds from the power of Congress. In this institution, as originally designed in 1791, and then still maintained, the merchants often found relief; and if there were ever any defects in the management of the bank, they were not to be named as objections to its continuance, when compared to the benefits resulting to the citizens engaged in trade and commerce; and through them to the whole nation, and to the prosperous state of the finances of the government itself.

This session of the federal legislature continued for six months; and the following laws were the most important which were passed during that period—for the re-appropriation of thirty thousand dollars, for the suppression of the slave trade, which had been appropriated two years before, but was not expended, and which was founded on an act of Congress of 1819—for repealing an act imposing tonnage duties on vessels, of which the officers and two thirds of the seamen were citizens of the United States—for the more effectual collection of impost duties, appointing eight additional appraisers to examine goods imported; but no new regulations to prevent defaults in the officers of the customs—for the appointment of an additional officer to be attached to the treasury department, called the solicitor of the treasury—for reducing the rate of duties on tea and coffee, as recommended by the President in his annual message; also on salt and molasses, and allowing a drawback on spirits exported, distilled from that article, which the existing laws did not permit—for allowing a portion of the claims of Massachusetts for services and expenses of the militia in 1812—1814, in time of war, and for which that State had not been reimbursed; the amount allowed being four hundred and thirty thousand dollars, about half the sum claimed—for the removal of the Indians from lands occupied by them within any State of the Union, to a territory west of the river Mississippi, and without the limits of any State, or organized territory, and belonging to the United States, by purchase or relinquishment of the Indians, by treaty; to divide such western territory into districts, for the reception and permanent settlement of those who should

consent to emigrate from their residence on the east of that river, they relinquishing all claims to lands they then occupied; the tribes to have the solemn assurance of government, that it will *forever* secure and guaranty to them and their posterity, the tract of country so exchanged with them for the lands they should quit in Georgia, Alabama, and any other States; and should they abandon the territory at a future time, the same to revert to the United States: the Indians to have the amount of their improvements made on the lands they may leave; to be aided in their removal, and supported for one year by the federal government; to be protected against assaults from other tribes in the vicinity of their new residence; and five hundred thousand dollars were granted for these purposes.

The receipts in the public treasury for the year 1829, from customs, sale of lands, &c., amounted to the sum of twenty-four millions eight hundred twenty-seven thousand six hundred twenty-eight dollars, being a little over those for the year 1828; which were twenty-four millions seven hundred sixty-three thousand six hundred thirty dollars; and in 1830, it was about twenty thousand dollars greater than in 1829, and one hundred twenty thousand above the amount in 1828. The public expenditures for the same years amounted, in 1828, to *twenty-five millions four hundred and fifty-nine thousand dollars*; in 1829, to *twenty-five millions and forty-five hundred dollars*; in 1830, to *twenty-four millions six hundred thousand dollars*; in 1831, to *thirty millions and thirty-eight thousand dollars*; and in 1832, to *thirty-four millions three hundred and fifty-seven thousand dollars*.\*

During this session of Congress, a highly interesting debate took place in the Senate, on a resolution offered by one of the members, relating to the public lands, which were very extensive, and estimated of great value to the nation. The sales were so loosely managed as that little, comparatively, was received in the public treasury: some was sold to speculators; much was nominally purchased, but payment not enforced; and large tracts, belonging to the Union, within the new States, were constantly granted to those States respectively, for internal improvements, and means of education therein. The consequence was, that the original States received little advantage from these lands, though they were originally ceded or acquired for

\* And the expenses of the government were gradually increased for several years, even after the public debt was paid.

the benefit of the whole Union. There had been already several systems proposed for regulating the sale and applying the proceeds of them. Some of the new States were so extravagant as to claim all the public lands within their limits. Others proposed to sell them immediately; which would permit a few speculators to purchase the whole.— And some were in favor of selling low, and waiting a long period for the payment; with a view to accomplish their more speedy settlement.\*

The resolution offered was to abolish the office of the land commissioner, and to suspend the sale of public lands for some years, when they would probably be of more value. The subject was justly interesting to all the members of the Senate; for the results of these various plans must be very different to the States. Generally, the Senators from the old, and those from the new States, entertained opposite views on the subject. And a Senator from South Carolina, asserted and labored to prove, that the eastern States especially, were disposed to retard the settlement of the western parts of the Union, from selfish or political views; and therefore wished to prohibit the sale of the public lands, till some distant future period. It was intimated that the statesmen of the eastern part of the Union, were jealous of the growth of the west, as it would lessen their portion of influence in the general government, and would also drain them of much of their population, which would prove injurious to their manufacturing establishments. Such suggestions were made by members from the south as well as from the west. Party or political views, perhaps, had an influence with some members in the views they expressed, and in the charges they made against the eastern States. For strange opinions are advanced, and improper systems urged, not unfrequently, for party purposes; and those who cherish such purposes themselves are often ready to charge their opponents with sinister views.

It had become customary, at this period, to take a wide range in debate, and to refer, by way of illustration or otherwise, to political subjects of a general nature, which divided the friends and the opponents of the administration. The Senator from South Carolina not only seized this oc-

\* It was stated at the time, that lands, to the amount of nine millions seven hundred and fifty thousand dollars, had been appropriated, from 1790 to 1829, for surveys, for public roads, for academies and schools, and for various works of internal improvements; and almost exclusively for the benefit of the new States.



casion to reproach the eastern States with a design to prevent the settlement and increase of the western parts of the Union, from sectional or political views; but to plead for the doctrine of State rights and power, to a novel and alarming extent; though it had no necessary or immediate connection with the question before the Senate; contending that the several States within which the public lands were situated, should have the entire control and jurisdiction over them. The real or direct question, arising out of the resolution before the Senate, was lightly touched by him; while the points, just mentioned, were discussed at great length, and not without much ingenuity and eloquence: and yet, in the opinion of many impartial men, with less sound reasoning than plausibility. His remarks were so pointed and so severe on the character of the eastern States, that the sensibility of the members from that section of the Union was much awakened, and they felt obliged to notice and to repel them. They differed in some respects from the views of the Senator of South Carolina, and those who agreed with him, as to his plan on the subject of managing the public lands; and as to his doctrine of State rights, and his insinuations of hostile feelings in the people of the east towards those in the west, they were entirely at issue with them. They believed that State rights, as asserted and contended for by him, would interfere with and render utterly powerless the authority of the federal government, which was clearly granted by the Constitution. The legitimate conclusion from the doctrine advanced would be, that a single State even might control the general government; in other words, that *one* State might govern all the others in the Union. Such probably was not the opinion of the able Senator, but it evidently followed from his doctrine.

Mr. Webster, who was then a member of the Senate from Massachusetts, replied to the Senator from South Carolina, with great power and effect. His argument on the powers of the federal government, granted by the Constitution, as being paramount in certain cases, to any and all State authority, was generally admitted to be sound and entirely unanswerable. He contended that on subjects fully committed to the general government by the Constitution, its powers were exclusive and unlimited; that no one State, nor even a number of States, might justly interfere with its measures; and that the public land, not particularly and expressly ceded to a State, or sold to companies or individuals, was solely at the disposal and under the

jurisdiction of the United States government. When he was charged with pleading for the *consolidation* of the States, he replied, that he was not disposed to derogate from their authority in any cases or on any subjects, except in so far as the Constitution had given power to the general government—which was of course paramount to that of a State—that in many respects, the States were sovereign, and had the entire control of their own internal affairs, that he was in favor of the *consolidation* of the Union—which was the design of the framers of the Constitution of the United States,—though not of the States, in the sense charged by his opponents. He then showed that the general government had the sole management and disposition of the public lands, which had been ceded by different States, for the benefit of the whole. He did not wish, he said, to exclude the new States from their just portion of the public lands, or from an equal share in the benefits to be derived from the sales; but contended that the original States had an equal, if not a superior, right to them. He said he was not averse to the policy of retaining a large part of the lands for a future revenue, and yet was in favor of selling small tracts to actual settlers, and thus gradually to fill up the vacant territory with inhabitants.

The Senator from Massachusetts referred to the insinuations which had been made against the politicians of the New England States, as if they were selfish; or were opposed to the prosperity and improvements of the new States in the west and northwest. And here he discovered some indignant feeling, as justly he might. The reproach on the eastern States was not just; it was, indeed, alike unfounded and ungenerous. They did, indeed, contend for the privileges of commerce and navigation; and it was for the protection of these departments of business, in great part, that the federal government had been instituted. It was important also, that manufactures, which were more attended to in the eastern and middle States than in the south or west, should be encouraged, for the prosperity of the whole nation. But it was not therefore attempted, nor desired, to depress the inhabitants of the west, in their agricultural enterprises, nor to prevent the settlement of the vast territory in that section of the Union. It was only contended, that the public lands should not be wholly appropriated for the benefit of the settlers thereon, or the States where they were situated; but should be sold, or so managed, as to secure to the original States their just proportion. No particular law resulted from this protracted and

able discussion. The subject long continued before Congress; but so various have been the plans for the disposition of the public lands, that no one has yet received the sanction of the federal legislature.

Other important subjects were introduced and debated in Congress, at this session, and occupied much time, but on which there was no decided legislative action. A bill for retrenchment in the public expenditures was repeatedly discussed; but it was not passed; after all the charges of extravagance against Mr. Adams's administration, it was not found that any items of the public expense could be reasonably dispensed with. The charge made in 1828, of this nature, was chiefly for party objects, or in ignorance; and the appropriations and expenditures for 1830, and annually afterwards, were fully equal to those made from 1825 to 1828, except that about fifty thousand dollars had been expended in 1826, '27, and '28, for various surveys, as authorized by laws of Congress, with a view to public and national objects—these were not continued during President Jackson's administration, as he doubted the right of the federal government to expend money for such purposes.

In his public message to Congress, in December, 1829, the President recommended a revision of the tariff of 1828; of which the people in some parts of the Union complained as excessive and unequal. He was in favor of affording encouragement to domestic manufactures; but believed, as many others did, that a less duty than that imposed by the former law, would prove a sufficient protection for manufacturing establishments in the United States. The subject was referred to a committee in the House of Representatives, by whom a report was made, that it was inexpedient to make any alteration in the law then in force. This report was accepted in the House, though the minority, on the question, was a large one. The subject was discussed in the Senate, where the majority were disposed to have the act modified; but the vote of the Representatives, being in favor of its continuance unchanged, nothing could be legally effected. No doubt that considerations of local interest had an influence in the opinions entertained; the manufacturing establishments were not to be found in the southern parts of the country. In the eastern and some of the middle States, they were numerous; while few had been introduced in the south or west. In May, 1830, a bill was passed in both branches of the national legislature, making appropriations for the erection of lighthouses, beacons, &c.—for improving harbors, and for surveys—which was laid

before the President, on the last day of the session, for his approval. But he did not give it his signature, nor return it to Congress with objections. And thus it failed to become a law. The President was blamed on this account, as being arbitrary, or as neglecting his official duty. It was said by his political friends, that he was opposed to some of the objects for which the appropriations were made, and had not time for a due consideration of the bill in all its parts. Some of the provisions related to works of internal improvements, on the constitutionality of which he entertained doubts.\* A similar complaint was made respecting his conduct, at a later period, when he retained a bill regulating the sale of the public lands, which was of great importance, without signing it, and when there was sufficient time to have examined and returned it for the further action of Congress.

The annual message of President Jackson, in December, 1830, was unusually elaborate. It was full and minute, in the statements relating to the proceedings of the executive department of government, during the recess of the legislature; to diplomatic occurrences and efforts; and to the fulfilment of various acts of Congress, assigned to the action of the President; with more of reasoning, to show the correctness of the conduct of the executive, than usual, or was perhaps necessary. For it is the province of the legislative to examine the executive proceedings, and to judge of their correctness.

The acts of the administration, during the year 1830, besides the common and necessary duties occurring in the various departments of the government, were referred to in the message, and afford ground for an opinion of the true state and condition of the United States, at that period. The commercial intercourse with the colonial ports of Great Britain, though nominally improved, remained very nearly on the same footing it had been for several years previously. A Convention had, indeed, been formed and accepted; but the commercial part of the nation was not satisfied with it, as there was much ceded, to the benefit of England, and but very little to the United States. The restrictions on American vessels, visiting the colonies of Great Britain, were not removed. The negotiation had been conducted

\* In his next annual message, the President stated his objections to the bill for a subscription to the stock of the Louisville and Portland Canal Company, to be of this character; and that he disapproved of the bill for lighthouses, &c. as their increase served rather to confuse and mislead the navigator than to be a means of safety.

and concluded in a friendly manner by the ministers of the two governments ; and a hope was expressed by the President, that in due time more favorable terms might be obtained, and a fair reciprocity in trade, between the ports of both nations, be established.\* The attempts made for participating in the trade of the Black sea, had not proved unsuccessful ; and by a treaty then recently made with the Sublime Porte, similar privileges were granted to the United States as to the most favored nations in Europe.† The relations between the United States and Russia were of a stable and satisfactory character. A treaty had been agreed on with Denmark ; by which six hundred and fifty thousand dollars were to be paid to American citizens, as an indemnity for spoliations on their commercial property in 1808—1811. Similar indemnity was expected soon to be received from some other European governments, on whom claims had been several years before made, for like previous depredations. The negotiations with France for a recognition and allowance of claims on that government, in consequence of depredations committed on American commerce, at former periods, and to a large amount, had been prosecuted with renewed zeal, and with a strong hope of speedy success ; for a friendly spirit was manifested by the French government on the subject, although some objections were offered, as to an allowance of all the claims ; the recent revolution in France indicating a favorable result to the negotiation,‡ as well as a proper occasion for extending the commercial

\* It was more than intimated, in the instructions given to Mr. McLane, the Envoy to the British court, in 1830, that the embarrassments on the commercial intercourse between the two countries, especially with the colonial ports of Great Britain, should be attributed to the improper demands or the mistakes of the preceding administration ; and that President Jackson and his ministers were more desirous of adjusting the difficulties on this subject, and would be more ready to agree to the terms proposed by the British government. A suggestion indicative of a want of good policy as well as of true patriotism. President Adams had made every reasonable and proper effort for adjusting these difficulties. But the British chose their own peculiar policy, or not treat at all. No one was more desirous of treating on the subject of commercial intercourse with foreign nations, on terms of reciprocity, than Mr. Adams.

† The commissioners by whom this treaty was formed, had been appointed by the President in 1829, without consent or knowledge of the Senate ; nor was the Senate's consent asked at the next following session. This was a singular proceeding ; for in all cases, a mission on a new subject, had not been made by the President without consulting the Senate. Mr. Tazewell, of Virginia, severely censured the President for this act ; and opposed the bill for allowing a salary to the commissioners. He said the act was unconstitutional, a flagrant derogation of the rights of the Senate ; and ought not to be passed over by the Senate without express condemnation.

‡ Mr. Rives, of Virginia, was then the minister of the United States to France ; whose ability and attention the President acknowledged to be highly satisfactory.

intercourse between the two countries: new efforts were made for bringing the subject of the boundary between the United States, and the British possessions adjoining, to a final termination, by submitting the question to the arbitration of a Prince, friendly to the two nations, and laying before him all the evidences in the case; and a hope was confidently entertained, that his opinion and decision would soon be known. The misunderstanding with the republic of Mexico promised to be removed, as the jealousies of that government towards the United States had in a great measure been obviated, by the explanations which had been then recently offered—measures had also been adopted for preserving tranquillity on the borders of the United States and that republic. The financial affairs of the government continued in a prosperous condition; the expenditures being less than fourteen millions of dollars, exclusive of the amount appropriated for paying the annual instalment of the public debt, which was eleven millions; and the receipts into the treasury, exceeding twenty-four millions; a large portion of which accrued from the sales of land belonging to the United States.

In the address of the President, at this time, he expressed his views at some length of the powers of the federal and State governments, and of the importance of avoiding all encroachments of each on the other. He had given similar opinions before, and they had an influence in leading him to object to bills for appropriating the public funds to most works for internal improvements. For unless of a manifestly general and national benefit, they would be unequal, and inevitably give occasion for complaints from some parts of the Union. He considered it of vital importance “to the Union to sustain the State sovereignties, as far as consistent with the rightful action of the federal government, and of preserving the highest attainable harmony between them.” The opinion was again expressed of the propriety of limiting the office of President to one term, and that for four or six years. And the entire independence of the legislative and executive departments of the government, of each other, was strongly urged, as necessary to the general welfare. But the doctrine, as it appeared to be understood by the President, was disapproved by a great portion of the people; and it was believed that the executive was but the organ or agent of the legislature, in most cases, designed to carry into effect the laws enacted by the Representatives of the people. In some respects, indeed, the chief magistrate is independent of the other branches of

the government ; but not to the extent supposed and claimed by General Jackson.

In this message the President again referred to the condition of the aboriginal tribes of the country ; and gave his unqualified testimony to "the benevolent policy" of the federal government from its origin towards these uncivilized people. He repeated the opinion, which he had before given, in favor of their removal to a territory entirely exclusive of the settlements of the white population. It had been the desire of the government, as he said, for thirty years, to effect their settlement far west of the Mississippi, and separate from any State or territorial district of the United States ; but nothing like compulsion had been previously used to effect the object. This conduct was alike humane and just towards the native tribes, and favorable to the settlement and peace of the States where they had resided. It was justly a matter of complaint only when these tribes were absolutely ordered to remove, and threatened with the displeasure of the government if they did not speedily consent to depart from the lands formerly occupied by their ancestors. The President avowed his friendly regards for the native tribes of Indians ; and no one could justly doubt the sincerity of his professions ; while his winking at the strong measures of some of the southern States, where they then resided, to force them to remove, subjected him to censure in other parts of the country.

The strong opposition to the high tariff of duties on many imported articles, which was adopted in 1828, and was designed to encourage domestic manufactures, induced the President to refer again to the subject on this occasion. He expressed an opinion favorable to the protective policy, as necessary to the prosperity of the United States : but suggested the importance of some modification in the law, passed two years before, to reconcile it to the views of the people in the non-manufacturing States. He was aware of the difficulty of accomplishing this desirable object. His immediate predecessor had expressed a similar opinion, in 1828 ; and suggested some modification for the purpose of rendering the operation of the tariff of that period more equal and satisfactory to all classes of citizens, and to all parts of the Union. No act was passed, however, either in 1829, or 1830, for modifying or altering the law of 1828.

President Jackson, early discovered his disapprobation of the Bank of the United States. He had doubts of the constitutional power of Congress to incorporate such a company : and he expressed an apprehension of its mis-

management, by which it was productive of more evil than of benefit both to the government and the people. He even doubted the utility of any banking institutions in the nation. Probably he had prejudices against them, as they often afforded facilities to speculators, and served to support the credit system of the country to a mischievous extent: and from the failure or suspension of specie-payments with many banks in the western parts of the Union. No doubt there was some foundation for his opposition to them: but it was an unjust conclusion, that all such companies should be prohibited, because some of them had been unwisely administered. He had referred to this subject in a former message, and fully expressed his views unfavorable to a renewal of the charter of the Bank of the United States. But the committee of the Senate, and of the House of Representatives, to whom the subject was referred, at the preceding session, made a report adverse to the opinion of the President; and in favor of continuing the bank: and they disapproved of the project of a government bank. They believed "the latter would derange and injure the currency, and what was far worse, destroy the liberties of the people." And as to the constitutionality of the Bank of the United States, they said, it had repeatedly received the sanction of Congress. In repeating his opinion, at this time, he suggested the plan of a bank, very differently formed, and wholly under the management and control of the government. It might still be called the Bank of the United States, or a Bank of the Treasury department, he said; and its object be to secure all the advantages afforded by the bank then in operation, as to the finances of the nation. "It might," he said, "be based on public and individual deposits, but without power to make loans, or to purchase property: not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which might be urged against the present bank: and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable; the States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the bank of the United States, though issuing no paper, would check the issue of the State banks, by taking their notes in deposit and for exchanges, only so long as they were redeemed with specie."

It did not appear, however, by these suggestions of the



President, that he had matured any plan for a bank, as a substitute for that of the United States, whose charter would expire in 1836. But one may see, even in these outlines, that he was in favor of depositing and keeping the public funds, in a mode similar to that afterwards proposed by his successor. The plan was, indeed, that of a Sub-treasury system, in embryo: which provides for placing the funds of the nation entirely under the control and management of the executive part of the government. President Jackson gave a practical proof of his views on this subject, in 1833, by taking the public funds into his own hands, without authority of Congress, and most evidently contrary to the spirit of the Constitution and of the laws relating to the treasury department.

In all free governments, the public treasury is under the control of the representatives of the people, and of the most popular branch or House of Representatives; and this also has the exclusive right to originate bills for grants and appropriations of the people's money. The chief magistrate has indeed a voice in the laws made for the regulation of the funds; but it is an arbitrary assumption of power in him to make any use or disposition of them other than such as the laws of the legislature have directed. This is a fundamental principle recognized by the framers of our Constitutions, State and federal; and a violation, or disregard of it, is far more alarming than any single act of misjudgment or impolicy. What stamp this conduct as particularly improper and arbitrary, was the consideration that the legislature had just before instituted an inquiry into the state of the bank, and declared it a safe deposit for the public funds of the government.

There was a large deficit in the Post Office department, for the year 1830. Two years before, under the management of a different person,—Hon. John McLean, of Ohio, afterwards a Judge of the Supreme Court of the United States,—it was in a very prosperous state. But either through the inefficiency of the present Post Master General, or an injudicious increase of post routes and post offices, the balance was against the department in 1830. It had not always, indeed, yielded a sufficient sum to meet the expenses; but at this time the deficit was greater than for many preceding years. The officer now at the head of the department, was accused, how justly cannot be proved, of party views in his appointment of mail contractors, and of multiplying post offices unnecessarily.

An effort was made, in 1831, to alter the law of the

United States, passed at an early period of the federal government, defining the duties and declaring the authority of the Supreme Court under the Constitution. A report was made in the House of Representatives, to repeal the section of that law, which gave jurisdiction to the court, in certain cases, on appeals from decisions of the State courts. The law, a part of which was now proposed to be repealed, had been adopted more than forty years, and no complaints made against it. It was now pretended that such supervising power in the federal court, was inconsistent with the authority and rights of a sovereign State; and the alteration was urged by those who were opposed to all appeals from the State courts, to a court of the United States. The report indicated hostility to an independent judiciary, as well as to an evidently legitimate authority in the federal government, to decide on questions of a general nature, and given exclusively to its jurisdiction. It gave alarm, therefore, to the true friends of the Union and of the federal Constitution. But the report received the negative vote of a large majority of the House of Representatives; and did not go to the Senate, for the opinion of that branch of the federal legislature.

At the session of Congress, in 1831, a large sum was appropriated for extending the Cumberland road, through Ohio and Indiana, to Illinois. It was considered of great general or national benefit; and therefore, several members of Congress voted for the expenditure, who were opposed to appropriations for most works classed under the head of internal improvements. President Monroe, as well as President Jackson, doubted the right of the federal government to expend the funds of the nation, except the object was evidently of great public and general advantage. But as this road had been commenced, there was good cause for extending it far west, to the vicinity of the public lands, and as a very convenient passage way, from the Atlantic to the farthest western settlement.

Another act was passed at this time, showing a disposition and a supposed right in the federal government, to expend public money or property, for the internal prosperity of the country, not expressly enumerated in the federal Constitution among the powers granted to the general government. This was for the encouragement of the cultivation of the olive. A law was passed on the subject in 1817, granting tracts of land, as a premium to those who should, within a certain number of years, cultivate the olive with success. The propriety of that law was now

recognized, by confirming the former grants of land, on proof having been adduced that the cultivation had been pursued, and in some cases with success : and by a conditional grant of lands to others engaged in the growth of the olive, if they should persevere, and succeed in the experiment. On the same principle,—that of regard to the general prosperity—expenses were incurred by Congress, with reference to the culture of the mulberry-tree for the silk-worm, and the manufacture of silk,—in paying for treatises written on these subjects. A pamphlet was published in 1828, in pursuance of a resolve of Congress ; but the general government gave no further encouragement ; probably doubting the utility or propriety of the measure.

During this Congress, an act was passed for the benefit and relief of insolvent debtors to the United States. It extended to all debtors to the federal government, except the principals on official bonds ; or such as had received public monies, and not paid the same over to the treasury department. A few honest and unfortunate men found relief in this law ; but its beneficial effects were not very extensive. The debtors to the government were chiefly of that description who were excepted from the provisions of the act. It was but an apology for a bankrupt law, which Congress is authorized, by the Constitution, to enact. The present insolvent law was a poor substitute for the former. And it is certainly strange, that, with the express grant of power to the federal government to pass uniform laws on the subject of bankruptcy, and imperfect as all State insolvent laws must be, as they are not binding out of the State adopting them, a law of Congress for this purpose has not been enacted. As such a law is chiefly for the benefit of traders and merchants, whose business may, and often does, extend in various parts of the United States, it belongs to the general government to legislate on the subject ; and thus to provide that the laws shall be one and the same throughout the nation.

In the course of this year, 1831, treaties were concluded and ratified with the republic of Mexico—one referring to the boundaries between the two countries ; and the other to commerce and navigation. A convention was also concluded, the same year, with France, on the subject of claims made by the United States on the government of that kingdom, for depredations committed on the American commerce, several years before, under the reign of the first Consul, the Emperor, or the Directory. Negotiations for this purpose had long been conducted by able ministers from the United

States, but no satisfactory terms had been definitely settled. The French government set up an opposing claim, on account of the non-fulfilment of a treaty made in 1778, between the United States and the King of France, for the assistance of the former to defend the West India islands of the latter, if attacked by the British. The American administration believed they were exonerated of all such demands from France by subsequent events. After much discussion and delay on the subject, a great portion of the claims of the United States were now consented to be paid by the French government; and an abandonment declared of its former demands and claims on account of the treaty of 1798, relating to a supposed guaranty of the West India islands by the former American Congress. But this promise of indemnity was not fulfilled in the time agreed; and the delay furnished an occasion for unpleasant and minatory dispute, three years afterwards.

As a census of the United States had been taken in 1830-1, a new appointment of Representatives among the several States was now ordered; and after a good deal of discussion, and different ratios proposed, the number fixed for one Representative was forty-seven thousand and seven hundred. In 1791, it was one for every thirty thousand; in 1801, one for thirty-three thousand; in 1811, one for thirty-five thousand; in 1821, one for forty thousand.

Among the important measures of the federal government, in 1831, and the political events affecting the United States, were those relating to the subject of boundaries between the State of Maine and New Brunswick, which had been submitted to the arbitration of the King of the Netherlands; but in whose judgment the government of the United States did not acquiesce; as in his decision he had departed from the real question referred to him, and had given an opinion which was of the nature of a compromise, allowing to Great Britain a large tract of land, claimed by the United States, by virtue of the local boundary described in the treaty of 1783, and which was recognized by the treaty of Ghent in 1815. The friendly relations between the United States and Great Britain, were, however, still fully preserved and maintained. The treaty with France, was finally settled a short time before, the sum promised to be paid, for commercial spoliations, though not so large as claimed, being sufficient to satisfy most of the claimants; while a small sum was stipulated to be allowed the French government for demands on the United States; and a reduction of duties on American cotton, and on wines imported from France, which

was agreed to as a consideration for yielding an important claim for certain commercial privileges, which the French government had urged under their construction of the treaty for the cession of Louisiana. Treaties of commerce had also been renewed with Sweden and Denmark. Fresh negotiations had been instituted with the governments of Central and South America, (formerly colonies of Spain,) on account of depredations on the commerce of the United States, for which they apologized, by pretending that violations of blockades had been committed by the vessels confiscated or detained; and by the consideration that no commercial treaty had been formerly made by the United States and Spain, their parent government, which obliged them to allow such privileges or favors, as had been stipulated in the treaties of other European powers.

The removal of some Indian tribes from the States, in which they had formerly resided, had been effected during the year, and others were preparing also to remove in the year following—they were chiefly from the States of Mississippi, Alabama, and Georgia—and the lands, provided for their future settlement, were far west of the river Mississippi, and beyond the territory occupied by citizens of the United States; and where they were to be entirely separated from all State authority; which it was supposed would conduce to their welfare, their preservation, and to the peace of the nation. The public finances appeared to be in a prosperous State, as for several preceding years, and the usual reduction of the national debt made. The President again expressed his views, as given on a former occasion, on the propriety of an alteration of the Constitution, for preventing the same person to serve or be elected as President of the United States a second term; and against the policy of renewing the charter of the bank of the United States, which would expire in 1836.\*

\* The Secretary of the Treasury—Louis McLane, of Delaware—in his report on the public finances and the currency of the United States, expressed views very different from those contained in the annual message of the President, at this period. His opinion was in favor of the national bank, and a full conviction declared of its utility, both to the government and to the people. And yet he admitted that there were some defects in the charter, and some abuses in the administration of the institution. But these, he supposed, might be remedied; and the bank continued, with safety and with highly favorable results to the whole country. Many of the political friends of President Jackson differed in opinion from him, as to the constitutionality and public advantages of the bank of the United States. At a very large meeting of citizens of Philadelphia, in July, 1832, soon after the negative of the President to the bill, which was passed by Congress for a renewal of the charter of the bank of United States, composed of his former political friends, it was

*“Resolved, That the rejection of the bank of the United States—the re-*

An additional pension law was passed in June, 1832; by which provision was made for all those who had served in the war of the Revolution for the term of six months. The pension allowed was a sum equal to the wages received when they were in service, on proof of the time being two years—and a proportionate sum for a less term of service, till it was as short as six months; but none who had served less than six months were included. By this act of Congress, a great number of persons in the decline of life, and most of them in reduced circumstances, received the bounty of the government, who could not avail themselves of the former laws granting pensions. And yet it was found difficult to do justice to all. A large portion of the men, who had served their country in the contest for liberty and independence, in the war of the Revolution, had deceased; and equity seemed to require that their children should receive what the parent would, had he survived. To have done this with proper discrimination, however, was scarcely possible: and the chief design of a pension is the personal comfort and benefit of one who hazarded life and performed important services himself.

The law of 1828, relating to duties on imports, by which the rate was raised to a higher amount than was fixed four years before, (both of which were designed to encourage and aid domestic manufactures,) met with great opposition; and in some parts of the Union, the complaints and denunciations of it, as an unequal and oppressive measure, received some modification by Congress, in July, 1832, by an additional law "to alter and amend" the former. The principal alteration consisted in fixing a less duty on coarse woollen goods, used chiefly by the common and poorer classes of people. The duty on the higher priced woollens

*peated assaults of President Jackson on the principles of protection to American industry; on the authority of the Supreme Court, and on the independence of both Houses of Congress, have severed every just and honorable tie by which the people of Pennsylvania were connected with him—that the re-election of a President, whose political path has been literally strewn with his own violated pledges, and with the disappointed hopes of his patriotic friends—who has thus wantonly trampled on the interests of his fellow-citizens, and on the Constitution of his country, would, in the estimation of this meeting, be a national calamity, the consequence of which we cannot contemplate without a shudder—that we will, therefore, use all lawful and honorable means, by opposing the re-election of Andrew Jackson, to avert this calamity. And we solemnly call on our fellow-citizens of Pennsylvania and of the Union, heartily and manfully to contend, at the approaching election, for the maintenance of those principles, and the promotion of those rights, which the patriots of the Revolution sealed with their blood."*

were continued with little diminution; and the *minimum* principle adopted in the former law, was abolished. Those which cost *two dollars fifty cents* again paid the same duty under the new as under the former act. On all which cost less than that sum, the duty was reduced; and on those which were of the value of one dollar and five cents the yard, it was fifty cents less than by the law of 1828. By that act, which adopted the *minimum* principle, woollens under thirty-five and thirty-three cents the yard, paid more than one hundred per cent. duty. By the former law, wool imported was subject to a specific duty of four cents on a pound, besides an *ad valorem* duty of fifty per cent. The law of July, 1832, imposed no duty on imported wool which cost only eight cents a pound; and on that which cost more than eight cents, four cents, and forty per cent. *ad valorem*. On cotton cloths, and on iron, the duty was also now reduced from the rate fixed by the law of 1828; on silk goods, and on tea and wine, it was greatly reduced; and common teas, imported directly from beyond the cape of Good Hope, were to be exempted from all duties.

The law of 1828, was considered unequal and impolitic, by a great portion of the people, in all parts of the Union;\* and it was said, with much reason and justice, that a revenue should be raised chiefly by high duties or taxes on luxuries; and that such had been the policy of most governments in Europe. The objections and complaints against the act of 1828 were indeed more vehemently urged, and relief more loudly and generally called for, in the southern parts of the United States, than in the middle and eastern parts. And the law of 1832, with the small and partial reduction of duties, did not remove nor lessen the opposition, in the southern States, to the American system, as the policy of high duties on imports, for protecting domestic manufactures, was then called. Where the slave population was large, coarse and low priced woollens were much in demand; and in their operation, both the law of

\* It was often stated in Congress, by members from the southern States, while the subject of the tariff was under discussion, that the Representatives from the New England States were pushing the bill for high duties, from selfish motives, as the manufacturers of woollen and cotton goods were very numerous in that part of the Union. But the fact was, that the majority of the Representatives from the New England States were opposed both to the law on the subject which was passed in 1816, and in 1824. But afterwards, when it was found to be the policy of the federal government to aid domestic manufactures, and these establishments having been multiplied, they were in favor of the protecting system; and some of them, perhaps, urged the increase of duties beyond the point of justice and propriety.

1828, and of 1832, were considered oppressive, as well as arbitrary and unjust. In South Carolina, the complaints and the opposition exceeded those made in any other of the States; and it was resolved, a few months after the law of July 1832, not by a few individuals, but by the legislature of the State, that that and the former law of 1828, were infractions of the Constitution, or exceeded the power given to the federal government by that compact; and were therefore null and void; and *that the execution of those acts within the State were to be prevented, even by force, if necessary.*

This was truly an alarming movement on the part of South Carolina; and it was, in some respects, a novel proceeding of a single State. In 1794, there was indeed, a formidable insurrection, in Pennsylvania, against the excise laws of the general government, passed at that time; but the State authority did not sanction it, and even made exertions to prevent and suppress it. And the strange resolutions and proceedings of the legislatures of Virginia and of Kentucky, in 1798, in opposition to the sedition and alien laws, did not expressly propose opposition to them by force, though assuming that these laws were unconstitutional, they fully intimated that they were a nullity. When they adopted such resolutions and declared such an opinion, these States appealed to other States to pronounce those laws to be void; with the intention, no doubt, of having them considered unconstitutional, by a majority of the States, that they might be repealed; and perhaps to have the Constitution so amended as to prohibit, in future, the passage of a law either to prevent the freedom of the press, or the banishment even of aliens from the country, without a formal and legal conviction of treason.

But not content with a public declaration that the laws lately passed, imposing high duties on imported goods, for the purpose of aiding manufactures were unconstitutional, and therefore to be deemed null and void, the legislature of South Carolina explicitly declared its determination to prevent, by force, the execution of those laws within that State; and accordingly prepared to oppose the authority of the federal government in any attempts to enforce or execute them. On this occasion of great excitement and alarm, the President issued a proclamation, in December, 1832, warning and forbidding the people in all parts of the Union from arming, with any intention of opposing the laws of the United States. And he adopted measures to maintain the authority of government with decision and promptitude. His conduct, in this respect, was approved by the people



generally through the country. And the citizens of South Carolina were patriotic and prudent enough, soon after, to cease all forcible opposition. By a few persons indeed, a distinction was made between preparing to coerce a State to submission, without the full and direct authority of a legislative resolution of Congress, and putting down an insurrection promptly, supported by the minority of a State, and when the aid of the federal government was desired by the constituted authority of the State, as it was by Pennsylvania in 1794. But as a State is only part of the Union, over which the federal government has authority in certain cases, one of which is raising a revenue, which includes the power of laying duties on imports, all determination to oppose the due execution of the laws, passed by the national legislature, is evidently improper; and all preparations and threats to resort to force for such purpose may be justly considered as disorganizing, and dangerous to the welfare and integrity of the Union.

During this session of Congress, and soon after obstructions had been placed in the way of collecting import duties in South Carolina, a bill was brought before Congress for giving the President full power to enforce the laws on the subject in any and every part of the United States; which was warmly opposed by the members from South Carolina, and some others. While the bill was before the Senate, January, 1833, the following resolves were offered by Mr. Calhoun, a Senator from South Carolina—"That the people of the several States are united as parties to a constitutional compact, to which the people of each State, as a separate and sovereign community—and that the Union of which that compact is the bond, is a union between the States ratifying the same. That the people of the several States delegated to the general government, thus proposed and formed, certain *definite* powers, reserving to each State the residuary mass of powers to be exercised by its own separate government—and that whenever the general government assumes the exercise of powers, not delegated by the compact, its acts are unauthorized, void, and of no effect—and that the general government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers—that the assertions, that the people of these States, taken collectively as individuals, are, or have been, united on the principle of the social compact, and as such are formed into one nation or people; that the people of the several States composing the Union have not, as

members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the general government; and that they have not the right of judging in the last resort, as to the extent of powers reserved, and consequently of those delegated—are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason—and that all exercise of force, on the part of the general government, or any of its departments, are unconstitutional; tend directly to subvert the sovereignty of the States, to destroy the *federal* character of the Union; and to rear on its ruins a consolidated government, without any constitutional check or limitation.” The next day a Senator from Tennessee, Mr. Grundy, proposed the following, as a substitute for the resolves offered by the Senator from South Carolina—“Resolved, that, by the Constitution of the United States, certain powers are delegated to the general government, and those not delegated nor prohibited to the States, are reserved to the States respectively or to the people—that one of the powers expressly granted by the Constitution to the general government, and prohibited to the States, is that of laying duties on imports—that the power to lay imposts is wholly transferred from the State authorities to the general government, without any reservation of power or right on the part of the State—that the tariff laws of 1828, and of 1832, are exercises of the constitutional power possessed by the Congress of the United States, whatever opinions may exist as to their policy or justice—that an attempt on the part of a State to annul an act of Congress, passed on any subject, exclusively confided by the Constitution to Congress, is an encroachment on the rights of the general government.”

In these different resolutions, offered for the sanction of Congress by those who repudiated the conduct of the executive, and apologized for the measures of South Carolina, and by those who condemned the measures of South Carolina, and approved the conduct of the federal executive, chiefly indeed, of an abstract nature, one may perceive the diversity of opinion then existing, as to the extent of the power of the federal government, and to the authority retained by the several States.\*

\* A distinguished political character in one of the New England States, when the embargo was in force, 1808, on a public occasion, observed, “That the government of the United States was a *limited* government, and that Congress did not possess *all* the powers of legislation; that the individual States were originally complete sovereignties; that they were so many distinct na-

In his annual message to Congress in December, 1832, the President referred particularly, and at great length, to the laws regulating duties on imported articles, more especially on woollen and cotton goods; although an act was passed at the previous session of the federal legislature on the subject, adopted after deliberate consideration, and intended to be continued in force for some years, and until the entire payment of the public debt should be effected. But that act had not given the general satisfaction which it was hoped it would have produced; for after its passage, the opposition in South Carolina to the system of high duties for the protection of manufactures had continued, and assumed an alarming character, as already related. The President did not indeed, recommend a total repeal of the law in consequence of such opposition: but he expressed the opinion and desire, that some compromise should be made; and the law so modified as to be less exceptionable than it was with its present provisions. And an act

tions, rightfully possessing and exercising, each within its own jurisdiction, all the attributes of supreme power; that, by the federal Constitution, they agreed to form a general government, and to surrender a *part* of their powers, not the *whole*, into the hands of this government; that, having described the form of the new government, they declared precisely what powers they gave it; and having cautiously described and defined the powers given to the federal government for greater security, they expressly declared that the powers not delegated to the United States, by the Constitution, are reserved to the States, or to the people thereof." Another highly eminent and learned statesman has asserted, in a late public address, "That these States, separately considered and existing, were never sovereign and independent; and are only so in their united and aggregate character." But this doctrine does not appear entirely consistent with the phrase in the Declaration of Independence, "That these colonies *were* sovereign and independent States"—not that these States were sovereign and independent merely when united, or when acting in concert for liberty—and the Constitution of the State of Massachusetts required of every one in public office to declare, that the commonwealth was of right a *free, sovereign, and independent* State, though it contains a clause authorizing a grant of civil power to Congress for general purposes.

This doctrine or opinion has not generally been admitted; nor does it now prevail to any great extent. In addition to the remarks in the first part of this volume, the following preamble to resolves is presented, which were adopted by a large meeting in New Hampshire, in 1808, and said to be penned by the distinguished expounder of the Constitution, in a more recent period. "The government of the United States is a delegated, limited government—the individual States originally complete sovereignties. They were so many distinct nations, rightfully possessing and exercising, each within its own jurisdiction, all the attributes of supreme power. By the Constitution, they mutually agreed to form a general government, and to surrender a part of their powers, not the whole, into the hands of this government. Having described the form they declare precisely what powers they give it; and then, for greater security, expressly declare, that the powers not delegated to the United States by the Constitution, are reserved to the States respectively, or to the people."

was passed by Congress, in March, 1833, modifying, in some important points, the law of the previous session. It provided for the gradual reduction of duties on imports, to take effect, in part, on the first of January, 1834; on the first of January, 1836; on the first of January, 1838; and on the first of January, 1840: in the following manner—from all duties, which exceeded twenty per cent. on the value of the imported goods or articles, one tenth part of such excess should be deducted, at each of the said periods; and that on and after the first of January, 1842, one half of the residue of such excess should be deduced, and the other half on and after the first of June, 1842.\*

One design of this compromise-act, supported and urged with great zeal by Mr. Clay, a member of the Senate from Kentucky, was to conciliate the southern States. The gradual operation of the law, it was also said, would prevent all injurious effects on the manufacturing interests of the country. And the fact, that the public debt was then almost and would soon be wholly extinguished, furnished another consideration for discontinuing the high rate of duties, for the purpose of a large revenue. This act however, was not passed without great opposition, and chiefly from members belonging to the eastern and middle States. By them, it was considered an abandonment of the established policy of the federal government, which had previously been in favor of the protective system; and would prove not only an injury to individuals, but serve to check the extension of manufactures, so important to the general prosperity of the country.

\* See page 395.

## CHAPTER XIV.

General Jackson elected President for a second Term. Difficulty with South Carolina, on account of the Tariff Laws, and Regulations. President's Proclamation. Debates in Congress on State Rights. Controversy with France for not Paying United States according to Treaty of 1831. President proposes Reprisals, and uses strong terms censuring the French Government. Northeast Boundary Question. Removal of the Indian Tribes. Bill for distributing proceeds of Sales of Public Lands. President's prejudices and denunciations against the Banks. His views of a Metallic Currency. Increase of Mints. General evils of discontinuing Banks. A plan for a Sub-Treasury. Separation of Banks and the Government—Under control of Executive—Danger of such a System. General Jackson's Political Character. His Views of Executive Power novel and alarming. The Effects of his peculiar Policy as to the Currency—His retirement from Office. Failure of his Financial and Monetary Schemes.

It has been already noticed that President Jackson early discovered views decidedly hostile to all banking companies, and in favor of introducing a metallic currency. Of the bank of the United States he appeared particularly jealous. He overlooked its numerous advantages to the country; represented it as improperly administered; and intimated that there was a settled design to dictate to the federal government, and to corrupt the people. This opposition to the institution was sharpened by a belief, in the President and some of his friends, that its officers were his political enemies, and were exerting their influence against his re-election, by granting pecuniary accommodations to induce individuals to oppose it. The prejudices which he entertained against the United States bank were, in a great measure, unjust;\* and yet his opinion of the evils arising from the multiplication of banks, and of an increased circulation of bank paper in the country, was adopted by a large portion of the people, who were not interested in those institutions. But his plan of an immediate prevention of a paper currency, and of introducing one exclusively of gold and silver, was utterly impracticable, and must have operated to the injury of the whole community: and so far as the policy

\* His hostility to the bank, and the misrepresentations of his political friends, had, perhaps, induced the directors and advocates of the bank to oppose his continuance in office.

prevailed, it produced great embarrassments in the monetary concerns of the country. In accordance with his views of the insecurity and defects of banks, the President recommended an examination into the state of the bank of the United States, and the proceedings of its directors. He even intimated doubts of the safety of the government funds in that bank, and the propriety of having some other place of deposit. An examination of the state and administration of that bank was soon after had by a committee of Congress ; which reported in favor of its safety and good management. But the President was not satisfied with the report, nor disposed to leave the public funds under the direction and control of Congress, which as the representatives of the people, have the only legitimate and constitutional authority over them. And in the course of the year, by an arbitrary act, assumed to himself the right to decide as to the place and manner of keeping them, without authority from Congress, contrary to the spirit of the Constitution, and to all former practice by the executive.

There was a general expression of disapprobation of this act of the President. All impartial men condemned it : and many of the friends of the administration admitted it to be arbitrary, whether the management of the bank had been improper or not, as it was an exercise of power not within the constitutional competency of the executive. Even his belief that the public good required it, could furnish no just apology ; as the national legislature was soon to meet, and would adopt such measures in the case, as its collected wisdom might dictate.

The conduct of the President afterwards, in reference to this subject, was not calculated to show that he was altogether free from personal or party prejudices in the transaction. When the Senate requested a statement of his reasons for the measure, made by him to his cabinet, before its adoption, but after his resolution had been taken, he refused to communicate it ; and Congress was thus left in doubt as to his real motives, or his arguments in favor of the act of removing the public funds from the bank, where by law they were deposited.—After full and able discussion, a large majority of both branches of the national legislature gave their assent, at this session, to a bill for distributing the proceeds of sales of the public lands among the several States, according to their population. It was not proposed to include *all* the lands belonging to the United States, but such portions as might be sold within a certain limited time. The public debt would soon be entirely paid ; and the lands, it was

contended, being granted for the benefit of the Union, or all the States in the Union, might now justly be appropriated for such purpose. Many of the States were then engaged in making internal improvements, and needed the aid to be derived from their part of the proceeds of the sale. The States in which large tracts of the public lands were found, were claiming or requesting more than their due proportion, for these and similar purposes; and it was justly urged, that the other, especially the original States, should receive their full share. This measure was generally considered to be beneficial and equitable: but it was opposed by the members of Congress from the new States, and by some of the friends of the administration, who desired the amount arising from the sale of public lands should be at the disposal or in the keeping of the executive department of the government. It was passed, however, by a vote of more than two to one, in the House of Representatives, and of twenty-three to five, in the Senate. And yet the President declined giving it his approval and signature. His conduct on the occasion was severely censured: not that his right to withhold his signature was denied, though it was taking great responsibility after the passage of the bill by so large a majority; but the manner of destroying the bill was deemed unprecedented and arbitrary. Had he returned it to Congress, with his objections, it might and probably would still have become a law; as more than two thirds of each branch of the legislature had voted in favor of it. But he retained it in his hands, till the session was closed, and that Congress expired; and thus an important measure was defeated, by the arbitrary will of the chief magistrate.

This act of the executive was not only arbitrary, but was highly injurious in its consequences. Had the bill been approved by the President, and passed into a law, the States would have received, from the proceeds of sales of the public lands in three years, upwards of fifty millions of dollars—besides twelve and one half per cent. allowed to the States in which the lands were situated, amounting to over six millions. Nor would this plan have been oppressive to the common people, who wished to purchase small lots for their own possession, nor given facilities to capitalists to purchase large tracts for speculation: for it provided for sales in small parcels.\* Since that time, the dominant party

\* The State of New York would have thus received between 1833 and 1836, eight millions of dollars: Pennsylvania, five millions seven hundred and fifty thousand: Virginia, four and one half millions: Ohio, about the same sum: Massachusetts, two millions: North Carolina, nearly four millions: South Caro-

in Congress has opposed all similar efforts to dispose of the public lands, the sale of which would have given a large amount to each State. And these lands are melting away from the hands of the government, in continual grants for roads, or for public buildings and institutions for the benefit of particular States: in utter disregard of the conditions, on which they were ceded or purchased.

It is difficult to account for this conduct of the President, or of the dominant party in Congress, which gave him its support; but on the supposition, that they were to be appropriated, as circumstances might require, for the purpose of conciliating certain States and sections of the Union.— It is hardly to be supposed, that personal feelings dictated this conduct of the executive, and that he opposed and prevented the plan solely from his prejudices against the author of it.\*

Another measure of deep interest to the Union, and involving great constitutional questions, as to the extent of the powers of the federal government, was adopted during this meeting of Congress. This was an additional law relating to the collection of duties on imports into the United States. The State of South Carolina, had not only passed resolutions, declaring the tariff law of July, 1832, unequal and oppressive, but unconstitutional and void; and had even made an ordinance to resist and repel any attempts to execute the law within that State by officers of the federal government.† Congress saw fit to legislate on the subject; and a law was passed authorizing the Presi-

lina, two millions: New Hampshire, one million one hundred and twenty thousand: Georgia, one million and four hundred thousand: Tennessee, two million six hundred and seventy thousand &c.

\* This bill for "the temporary appropriation of the proceeds of the sales of the public lands," provided that, for the term of five years, from the first of January, 1833, there should be allowed to the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi and Louisiana, respectively, above their due share, twelve and a half per cent. for objects of education and internal improvements, as the legislatures of those States should direct: and that the other seven-eighths should be divided among all the States in the Union. This bill was neither approved nor returned to Congress, at the session when it passed the two branches of the legislature, as has been before noticed; and when the President returned it, at the next session, his principal objection to it was, that it was contrary to the terms of the cession of these lands to the United States; which were, that they should be for the benefit of the whole Union; whereas the bill gave more than an equal portion to the new States, in which the lands were situated. And yet he had before expressed an opinion that these public lands should be considered as belonging entirely to the States wherein they were found.

† See page 397.



dent to enforce the laws for the collection of a revenue arising from imposts, and to establish custom houses in such other places as might be necessary for security, and for the collection of the legal duties, instead of the place designated by the existing laws of Congress.

It was on this occasion, that the resolutions were offered by a Senator from South Carolina, Mr. Calhoun, relating to the powers of the federal government, and the reserved rights of the several States. He opposed the new collection bill, and supported the resolutions, which were in favor of the right of a State to declare and to oppose a law of Congress as unconstitutional, when supposed by such State to exceed the power delegated to the federal government. His speech was considered to be plausible, ingenious, eloquent, and in some parts argumentative and powerful. But he pressed the doctrine of State rights so far, as to deny the paramount authority of the federal government, and to endanger the stability of the Union. Those who had before advocated the doctrine of State rights, had admitted, that the general government was absolutely supreme in its authority throughout the States, as to the objects and purposes declared in the Constitution to belong to it; while all power not given was reserved to the several States. The collection of a revenue, and the rate of duties to produce a revenue, were exclusively in the jurisdiction of Congress. The Senator from South Carolina contended, that a single State might judge of the constitutionality of a law of Congress on any subject, might declare it unconstitutional, and therefore render it null and void in such State. He hesitated to insist explicitly on the right, or the propriety of using force against the authority of the United States; but measures were adopted in that State, to resist force by force; and many there asserted a right to make such resistance. It was indeed, proposed by the legislature of South Carolina, to have a convention of delegates from all the States, to alter the Constitution, and deny to Congress all authority to impose duties for the protection of domestic manufactures, and only for the purposes of a revenue.

The new Collection Bill was advocated by the most able members of the Senate,\* and particularly by one of the Senators from Massachusetts, Mr. Webster. And in giving his reasons in favor of the measure, he referred to the resolutions offered by Mr. Calhoun, of South Carolina, which

\* See Appendix.

were then pending before the Senate, and the correctness of which that Senator had endeavored to vindicate. The reply of the Senator from Massachusetts, was admitted to be uncommonly powerful; and his doctrine of the supremacy of the federal government, in all cases wherein the Constitution had given it jurisdiction, was allowed to be correct, and even necessary to the authority of Congress in any case, and to the preservation of the Union. The theory of the Senator from South Carolina, was shown, by the Senator of Massachusetts, to be fraught with danger to the Union, and as leading to the utter prostration of all the powers of the general government. It was denied, that a State had a right to annul an act of the national legislature relating to a subject exclusively placed under its authority; and much more to oppose its acts by force, on the pretence that they were unconstitutional; but admitted that any State, considering itself aggrieved by an act of Congress, or in the belief of its unconstitutionality, might appeal to other States, and propose a general convention for an alteration of the Constitution. Any other opposition was deemed to be rebellion and revolution.

Similar arguments were advanced by the Senator of Massachusetts, on this very interesting occasion, as he had offered a few years before, in his reply to another Senator from South Carolina, Mr. Hayne, who asserted the doctrine contended for in the resolutions, when he was pleading for a liberal allotment of the public lands to the settlers in the new States. On both these occasions, the Senator of Massachusetts was believed to be the most correct in his views, on the powers of the general government, as well as most convincing in his arguments: and these two speeches, perhaps, contained the best explanation and vindication of the authority of Congress, under the Constitution, which are to be found in any productions or publications on the subject. In the exercise of political authority relating to the subjects, stated in the federal compact, to be vested in the national government, it is paramount to all State authority: but on subjects, not enumerated as committed to the jurisdiction of Congress, the right of a State to legislate, is indisputable and exclusive. And it can justly become a question, as to the power of the federal government in a measure proposed, only so far as to ascertain if it be included in some of the enumerated powers, or necessary to carry into effect the authority clearly delegated.

To pretend that a State may declare a law of Congress, relating to a subject, the regulation of which is given to

the national government, unconstitutional, and therefore null and void, is evidently unsound in theory, and of a directly disorganizing character. Nor can it justify the oppugnation of a State, that the law operates unequally, if such was not its object and design. All laws on navigation, imposts, and taxes, operate in some measure unequally, yet if they are of an uniform character, and are founded on general principles applicable to all, there is no just cause to complain; certainly not, forcibly to oppose. Partial and unequal statutes are in some degree arbitrary, and remonstrances against them are perfectly justifiable. But a declaration to nullify them would be identical with revolution; or must be deemed an idle threat. While the federal government exercises the powers given to it by the Constitution, even with some want of wisdom, and with incidental results not perfectly equal and uniform, the citizens are bound to submit, until a remedy or prevention can be legally provided.

On the fourth of March, 1833, Andrew Jackson commenced a second term of President of the United States; having been previously and officially declared by Congress to be duly re-elected by a large majority of the votes given in all the States. Martin Van Buren, of the State of New York, was chosen Vice-President for the same term. Mr. Van Buren had been Senator in Congress, Governor of the State of New York, and minister to the British Court, by appointment of General Jackson: and he professed to be a great personal and political friend of the President. General Jackson had then a strong hold on the confidence of the people; and yet his opposition to the bank of the United States, and his prevention of the passage of the bill for a distribution of the proceeds of sales of public lands among the several States, gave dissatisfaction to many of his former supporters.

In the address of General Jackson, when he was inducted into office, as chief magistrate of the Union, for a second term, he expressed his gratitude to the people of the United States, for this renewed proof of their confidence. He observed, "that there were two objects, relating to the domestic policy of the government, which especially deserved the attention both of the people and of their representatives, and which had lately been, and would probably continue to be, subjects of deep solicitude; and these were, the preservation of the rights of the States, and the integrity of the Union. These great objects are necessarily connected, and can only be attained by an enlightened exercise of the

powers of each within its appropriate sphere, in conformity with the public will, constitutionally expressed. It becomes the duty of all, therefore, to yield a ready submission to laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States, and of the United States, which the people themselves have ordained for their own government." And, as to the foreign policy adopted by the federal government, soon after its formation, and generally pursued by successive administrations, he said, "it had been crowned with almost complete success, and had elevated the American character among the nations of the earth. So happy have been its results, that we are at peace with all the world, and have few causes of controversy, and those of minor importance, remaining unadjusted." In conformity to the obligations of the oath, which he was about to take, he declared it to be "his fixed and solemn purpose to exert all his best faculties to maintain the just powers of the Constitution, and to transmit, unimpaired, to posterity, the blessings of the federal Union."

Few, perhaps, doubted the sincerity of these declarations, or denied that the President was generally actuated by patriotic views. And yet, in administering the government, he committed errors of a dangerous tendency, and the practical effects of which were injurious to the enterprises of the people, unfavorable to the advancing prosperity of the country, and encroaching on the powers of the legislative branch of the government. The causes of these errors have been differently estimated, both as to their character and their direct results. President Jackson had strong passions, and he was susceptible of jealousy, under the influence of selfish individuals, with much of mere party feelings; and his natural decision of character led him sometimes to adopt injudicious measures, and to adhere to them with great pertinacity and obstinacy. With impartial men, it can hardly admit of a doubt, that it was a great error, in a government like that of the United States, where the powers of the executive are expressly declared and limited, and a written Constitution is the guide of the rulers as well as of the people, for the chief magistrate to assume undelegated authority, and to take on himself the responsibility of measures not sanctioned by Congress, except in cases of sudden and unexpected emergency; and still more so, to give directions relating to the disposition and keeping of the funds of the United States, contrary to the regular laws of the whole national legisla-

ture. But this the President presumed to do, in September, 1833, by an express and peremptory direction to the Secretary of the Treasury, to remove the public funds from the bank of the United States, and to take them into his personal keeping, subject, however, to his own control and orders. This extraordinary act was not committed, indeed, without some show of reason, though wholly unjustifiable in a legal view; or from any necessity, as a measure of security, in the exigency of the time. The strong prejudices and opposition of the President towards this bank have been already seen. His official right to give a negative to a bill which passed the two Houses of Congress, some time before, for renewing the charter of the bank, was admitted; although, in withholding his assent, he discovered rather the strength of his prejudices, than a correct knowledge of the benefits derived from that institution, both to the government and to the people throughout the United States. The hostility of the President to the bank, arose in part, perhaps, from his opinion that the banking system was too much extended, and a wish to diminish the paper currency of the country, and to introduce that of specie in its place. He had also been led to believe that the bank was, in some measure, a political engine, and had been instrumental in opposing his re-election. But this belief furnished no good apology for his conduct, in arbitrarily withdrawing the public funds from the bank, where they were kept by a law of Congress. It is a fundamental principle, in a free government, that the immediate representatives of the people should keep the purse strings, and should have the constant and supreme control of the public funds. The Constitution of the United States fully recognizes this important principle. It was by a law of Congress, that the national funds were deposited in the bank of the United States, for safe keeping, and for the benefit of government. And, in consequence of vague reports, unfavorable to its management, Congress had then recently had an examination, by a committee, of its administration and of its condition. But they found no reason to order the removal of the public funds from the bank, either for safety or for any other object. And it would have been sufficient for the President to have given information to Congress, at the ensuing session, of any supposed mismanagement or insecurity of the bank, with a view to legislative action on the subject; unless, indeed, during the recess, some gross frauds, or great defalcations, had come to his knowledge, and the removal of the national

funds were imperiously and immediately required for security. No such crisis had occurred. Nor were fears generally entertained of the ability or safety of the bank. One Secretary of the Treasury declined being instrumental in removing the government funds, as there was no law of Congress for such an act. But the President had resolved on the measure, and assumed the responsibility of an act, which required the authority and sanction of the national legislature. This arbitrary conduct, which was an assumption of the power of the whole government by the executive, was highly alarming to the friends of republican liberty and of law, who cherished a due regard for the Constitution. They thought they saw in it a dangerous inroad on constitutional liberty, especially as it was pretended to be done at the will and for the benefit of the people. For such has been the pretence of usurpers and arbitrary rulers in all ages. The power they have exercised without right and without law, they have attempted to justify by the necessity of the case, or the plea of more directly and more effectually promoting the good of the people. Popular governments have generally been destroyed by such plausible prettexts.

The measure of the President, in his removal of the public funds from the bank of the United States, where they had been kept by a law of Congress, and after a committee of the House of Representatives had reported in favor of the faithful administration, and the safety of the institution, was condemned as highly improper by all but his devoted political friends. The Senate called on him for the instructions he gave for the removal of the public funds, and other proceedings on the subject. But this he declined doing, on the pretence, that he was the keeper, and had the control of the treasury and of the officers appointed in that department; and asserted his independency of the Senate, and his irresponsibility to them, in this case, as he was the chief executive officer of the government. He remonstrated against this act of the Senate; and demanded his remonstrance to be put on their records. But they did not submit to such an humiliating act. And the demand of the President was deemed highly improper, and an instance of the dangerous interference with the independence of that branch of the government. The majority of the Senate, at that period, disapproved of several of the projects and measures of President Jackson; among which was that of discontinuing the national bank, and of having the currency to consist wholly of specie. The latter, they considered a

mere experiment; at once injurious and impracticable. They were advocates for the credit system, which he viewed with much disfavor; and they expressed the opinion that well regulated banks, and bills, when there were means for redeeming them, were of essential benefit in the present state of the country.

The President continued his hostility to the bank of the United States to the close of his administration. He had persuaded himself that it was a dangerous institution; although there was probably much prejudice operating in the formation of this opinion. He considered it a monopoly, in the hands of a few; and as an instrument for electioneering purposes, inconsistent with the free and independent suffrages of the people. While the bank continued, he deemed it also a great obstacle to his scheme of an exclusive metallic currency in the nation.

Banking companies had then been greatly multiplied; and the abundance of paper bills issued, were in some respects an evil in the community. And this increase of paper money had served, in a great measure, to exclude the circulation of gold and silver, as the medium of business and trade. The President proposed the impracticable plan of prohibiting all banks, and of introducing an entire metallic currency for the Union. And this plan led him into great errors, of a paralyzing effect on the enterprise and business of the country. It was believed that, in the prosecution of this visionary plan, he and his political friends were opposed to the credit system, which had always existed in the country, and which in a young and growing nation, like the United States, was indispensable to any great prosperity, and to the development of its unbounded resources.

The effects of this policy of the administration were highly disastrous to the enterprising efforts of the people, some time before the close of President Jackson's administration, and during the year in which he retired from office. The discontinuance of the United States Bank produced a great shock to the trade and enterprise of the country; and led to the increase of State banks, of far less ability, and enjoying much less of the public confidence. The results were a great pressure in the monetary concerns of the people, and of numerous instances of insolvency. The paper of banks, which were well established and wisely administered, had been a great facility to men in business; and the bank of the United States was alike a standard and a regulator for the paper currency throughout the country.

When the President was called upon by petitions and by committees from the large trading cities, he coolly replied, "That the government could give no relief, and provide no remedy; that the banks were the occasion of all the evils which existed, and that those who suffered by their great enterprises had none to blame but themselves." Had all the evils arisen from over trading or imprudent speculation, it might have been a just rebuke. But there was little satisfaction derived from it, and little justice in the declaration, since the evils and embarrassments which existed, were, in a great measure, owing to the arbitrary interference and the impolitic measures of the administration; and these measures had been approved, and in most instances strongly recommended by him. His popularity and influence were great; and it was generally sufficient to ensure the passage of a law, that he had proposed it. But for his opposition, the bank of the United States would have been continued; for not only the Senate, but the Representatives were in favor of a renewal of its charter; and their committee had reported in its favor, a few months before the President inflicted a deadly blow on it, by the removal of the public funds. The pretence of the unconstitutionality of the bank cannot be supposed sincere, nor the greatest objection to the institution, without the charge of some vanity in those who made it; after it had received the sanction of Washington, Madison, Monroe, and Adams. The evils predicted to follow from its discontinuance were soon and fully realized; while the benefits and blessings which were to result to the community, from the experiment, have not yet been witnessed in any part of the Union, nor enjoyed by any class of people, or department of industry.

The question respecting the boundary line between the United States and the British province of New Brunswick, which had often been discussed under former administrations, remained undetermined, during the presidency of General Jackson; and was, at times, the cause of serious apprehensions of a war with England. The description contained in the treaty of 1783 with Great Britain, at the close of the war of the Revolution, (referring in some measure to old maps and treaties\* between France and England,) and recognized by the treaty of Ghent in 1815, was not sufficiently precise and clear to prevent all controversy

\* The treaty between England and France in 1763, which was followed, as to the bounds between Nova Scotia and Maine, in 1783, described the line as running north from the source of the St. Croix to the highlands separating the rivers falling into the Atlantic from those falling into the St. Lawrence.



on the subject. And it was doubtful how far north the line should be run; and where were the highlands separating the rivers running into the Atlantic ocean, or bay of Fundy, on the one hand, and into the river of Canada, or St. Lawrence, on the other; before making an angle, by running southwesterly.

The administration was accused of having made concessions, or overtures, which the British ministry turned to their own account, by construing the proposal as an acknowledgment, that the government of the United States was sensible of the weakness of its claim so far north, as had been usually advanced; or at least as indicating a readiness to relinquish a part of the claim for land near the Atlantic. One proposition of the executive also was to yield to the British claim in part, for the purpose of settling the dispute, by giving up a large tract in the northeast of Maine, and to give an equivalent to that State, by the grant of a tract of the public lands in the western part of the United States. In this case, the rights and interest of Massachusetts appear not to have been regarded: for the latter State owned a moiety of the territory in dispute, in the northeastern part of Maine.

Had the administration invariably contended for the whole claim, as had been previously urged, according to a strict construction of the treaty of 1783, the difficulty would probably have been settled at an early day; and in such manner as to have satisfied the people of the United States. This proposition, however, might have been made in a sincere desire to bring the controversy to a close. The dispute was referred, by the former administration, to the decision of an arbitrator, who was to judge where were the dividing highlands; or how far north the line should run, before an angle should be made by a line tending westerly. He was not, indeed, authorized to propose a compromise; and yet must have had some discretionary power.

The British government conducted with less fairness and candor, in this dispute, than might have been expected.— There was certainly little justice, or reason, in their claims. The royal arbitrator, to whom the subject was referred in 1830, although he did not establish the entire claim of the United States, but proposed a compromise, which he was not authorized to do by the terms of the reference, gave an opinion adverse to the pretensions of the British. For by his opinion, he extended the right of the United States far north of the lands or territory, for which England had contended, as being beyond the bounds between Nova Scotia

and Maine, fixed by the treaty of peace. They contended for limiting the north line from the St. Croix to the first highlands to be found in that direction; instead of extending farther north, as the treaty had defined it, to the highlands separating the rivers flowing into the Atlantic from those which emptied into the St. Lawrence. And this made a difference of more than one hundred miles in the extent of the line, and of several millions of acres of land. The conduct of the British government, in this controversy, seems to have been dictated by a strong desire to have a more direct route, over their own territory, from the province of New Brunswick to Canada.

In 1833, there existed some apprehensions of a war with France; arising from the refusal, or delay, on the part of the French government, to fulfil the terms of the treaty, made two years before; in which compensation was promised to be made for depredations on American commerce, at a former period. This claim had long been a subject of negotiation between France and the United States. But the French rulers did not explicitly acknowledge the validity and justice of the American claims, nor engage to make indemnity for former depredations until the year 1831. In that year, a treaty was made for the purpose, through the able and zealous efforts of Mr. Rives, then the American Envoy at the court of France. The agreement was to pay the amount, admitted to be due, in several annual instalments; the first to be made in January, 1833. But this first payment was not made when due, according to the treaty. And after several demands, or requests, for the sum, the President appeared disposed to enforce the payment. In his public communications to Congress, and in his instructions to the minister of the United States then at the French court, his language was somewhat of a threatening character; and the implication was, that he considered both the honor and interest of the nation required a resort to force, unless the payment were immediately made, as stipulated in the treaty of 1831. It is not to be supposed, however, that he would have solemnly advised or proposed war, for the delay of payment of a few millions of dollars, however justly due; especially as there was reason to believe that the French government would not wholly refuse to pay, though there was an unreasonable delay on the subject. In a special message to Congress, early in 1834, the President spoke in strong terms of the injustice of France, by such delay of payment; and expressed an opinion that war, on this account, would be justifiable; but he did not

recommend such a measure. And had he proposed such a course, great as was his influence, at that period, with the majority in Congress, it is doubtful whether the project would have been approved and sanctioned: and yet as improper and imprudent measures have often been supported from party feelings, and for party purposes. The language of the President was the more alarming, because he was a military character. But the conduct of France justified him in speaking emphatically; and probably any one of his predecessors would have considered it a duty to the nation, to speak in a decided tone of the injustice of the act. The delay, on the part of France, however, was not to be imputed to any deliberate purpose to violate its solemn engagements; but to the struggles of political parties in that government at the time.\*

Judging from the representations given by the President, in his annual message to Congress, December, 1834, the state of the country was highly prosperous, and its future prospects flattering to every patriotic citizen. But he still admonished the representatives of the people of the necessity of constant attention, to realize these anticipations.—The attention of the administration, he said, had been given to the subject of the northeastern boundary; and efforts made, by negotiations with Great Britain, as advised by the Senate, to settle and adjust the dispute, by establishing a line according to the treaty of 1783. There had been no definite result, indeed, as had been desired and expected; but there was reason to believe that the controversy would soon be brought to a satisfactory termination. President Jackson and his predecessors, had made repeated efforts to have the line fixed, and to prevent all further collision and dispute; and it was believed that General Jackson had authorized the Secretary of State to make proposals, with a view to an amicable settlement of the controversy, for disposing of the extreme north section of the disputed territory, by way of compromise. Such a mode of adjusting the dispute, was not approved by the people generally; and least of all by the citizens of Maine, who had ever been determined to retain the whole.

\* It is not improbable, that his predecessors would have spoken decidedly on this subject; and pressed the demand for payment with earnestness and zeal. And, in ages past, the conduct of France might have provoked a war. But, happily, there is now a spirit abroad in the world opposed to war, and in favor of peace, where it is possible to obtain justice by negotiation; and the rulers of a nation, who now rush hastily into a state of war, would receive the censures of a great part of christendom.

Agreeable to treaties made with Russia, Austria, Prussia, Sweeden, Holland, and Denmark, the commerce of the United States with those nations was fostered by reciprocal good will; and no disputes existed with either of them.—The government of Spain had recently ratified the Convention, previously signed by the Envoys of that court and of the United States; and by which the claims of American citizens were agreed to be allowed and paid. The parent government of Spain had been reconciled to the independence of its American colonies; and the President stated, “that the government of the United States had been instrumental in this happy event.” He also alluded to the republics of South America; and while he regretted, “that they had not reached a more settled and tranquil civil state,” he said, “there was no just apprehensions of immediate misunderstanding or collision between them and the United States.”

The payment for claims on the Neapolitan government, for confiscations of American vessels and property, was made during the year 1834, as had been stipulated by a treaty previously ratified. The claims had long been pressed for allowance, but various unexpected delays had occurred to prevent both the allowance and the fulfilment of the promise to pay. The Belgian government, at this time, refused to ratify the Convention which had been signed by the minister of that government and the United States, on the subject of commercial intercourse between the two nations; on the plea, that the Belgian Envoy had exceeded his instructions. An offer was made on the part of Belgium to resume negotiations; but the conditions and terms, proposed in the overture, were not approved by the President; and he therefore declined it.

The treaty, previously adopted between the United States and the Sublime Porte, in the opinion of the President, gave favorable promise of benefit to the great commercial interests of the country, and would serve to maintain friendly relations between the two governments.

The boundary line between the United States and Mexico, agreed by treaty, some time before, to be run and fixed, and which the President had urged to have accomplished, was delayed, from a failure of the appointment of commissioners by the government of Mexico, which was then in a state of great internal commotion and contests between different parties. The Mexican authorities had not refused to join in establishing the boundary; and it was believed would be desirous of effecting it, in a more tranquil state.

The President, in this message, recommended the appointment of a minister to Venezuela, with a view to secure commercial advantages to the citizens of the United States. Ministers had been already sent to Central America, to Peru, and to the Brazilian government. Venezuela was one of three provinces—New Grenada and Equador were the others—which had been recently united with the republic of Colombia; which was at this time in an unsettled state, with a probability of being again divided.

The state of the public treasury, at the close of the year 1834, according to the President's message, was as follows: The revenue exceeded somewhat twenty millions and a half, and the balance in the treasury, at the beginning of that year, was eleven millions and a half; thus making an amount of thirty-two millions and a half for the expenses and payments of the year: The expenditures for the year amounted to twenty-five millions and a half; but the last portion of the public debt, which had been diminished, annually, for twelve years, was included in this sum; being nearly six millions.

As on several former occasions, the President spoke in this message, with strong disapprobation of the management of the national bank. If he had not full proof of any mal-administration, or of any pernicious public influence, of which few impartial men appeared to be sensible, he must have indulged in unfounded prejudices against the institution, when he said that, "created for the convenience of government, it had become the scourge of the people." Others believed that the bank of the United States had fully answered the purposes for which it was incorporated; and had occasionally proved of great convenience to the government, and been favorable to the trading portion of the citizens; without being a "scourge" to any class of people. Even a few instances of favoritism, which possibly might be justly charged against the directors, could not render it, on the whole, nor extensively, an evil to the public. But its discontinuance, by the advice and influence of President Jackson, produced results of incalculable inconvenience and embarrassment throughout the Union—to the merchants first, and then to other classes; to the farmer and the mechanic. The evils, such as they were, arising from banking companies, were more justly to be attributed to their multiplication in the several States; many of which were either unwisely managed, or established without sufficient funds.

The President was persuaded into the belief that the institution was corrupt and corrupting: for he spoke "of its

corrupt and partizan loans." He officially expressed the opinion to Congress, that the public funds, still remaining in the bank, were unsafe, and ought to be removed, forthwith, by an act of the legislature. But the majority of Congress, although approving generally, at that time, of the measures of the President, did not respond to his opinion respecting the bank, nor denounce it as the source and cause of all or most of the prevailing evils in the trade and currency of the country.

It has been often interrogated whether the conduct of President Jackson, at the time, or of his political disciples since, were conformable to his sentiments expressed in the following passages in his message, in 1834,—“The State banks, are found fully adequate to the performance of all the duties and services, which were required of the bank of the United States; quite as promptly, and with the same cheapness. They have maintained themselves; and discharged all those duties, while the bank of the United States was still powerful, and in the field as an open enemy: and it is not possible to conceive, that they will find greater difficulties in their operations when that enemy shall cease to exist.

“The attention of Congress is earnestly invited to the regulation of the deposits, in the State banks, by law. Although the power now exercised by the executive department in this behalf, is only such as was uniformly exerted through every administration, from the origin of the government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law; and therefore, ought to be so regulated. The power of Congress is direct, in what places the treasurer shall keep the monies of the treasury, and to impose restrictions on executive authority in relation to their custody and removal, is unlimited; and its exercise will rather be courted than discouraged, by those public officers and agents on whom rests the responsibility for their safety. *It is desirable that as little power as possible should be left to the President or the Secretary of the Treasury, over these institutions, which, being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor ability to interfere in the political conflicts of the country.*”\* This is sound, republican doctrine; but

\* It is believed that the Sub-treasury plan is liable to these objections, and directly calculated, if not intended, to produce corruption, and to answer electioneering purposes, as well as to place the public funds wholly at the disposal of the executive and his officers.

the official conduct of President Jackson was often in disregard of it. He was not only willing to take the responsibility of measures, without authority of law, which in some great exigencies might be justified or excused; but in removing the public funds from the bank of the United States, and withholding the bill for appropriating the proceeds of the sales of public lands, for the benefit of all the States, he acted from his own *mere will and motion*; and in known opposition to the opinion of the majority of both branches of the federal legislature: thus setting up his own opinion to control that of the Representatives of the people, and assuming power for the executive highly dangerous in a republican government; or regarding the opinions of a portion of the people, expressed informally and under great excitement, as a guide, rather than the legislature, the only constitutional arbiter to decide and control as to the laws of the Union.

General complaints were made, during the years 1834 and 1835, of the great and increasing expenses of the federal government. Nor were these complaints confined to that portion of the people who had been opposed to the election and administration of General Jackson. Many of those who were favorably disposed to his election believed that the public funds were unfaithfully managed, or unnecessarily and wastefully expended. The reform promised, in this respect, had not been witnessed. Very large sums were expended by the conduct of land commissioners, of the Post Master General, of pension agents, and of Indian agents. There was evidently a want of faithfulness or of competency in these public officers: and the higher functionaries of the government did not insist on the settlement of their accounts with the promptness and *searching* care, which were necessary. A resolution was offered, at this time, by Mr. Calhoun, a Senator from South Carolina, for a committee "to inquire into the extent of the executive patronage; the cause of its increase of late; and the expediency and means of reducing it." And this was evidently suggested by a belief, then generally prevailing, that the public expenditures were unreasonably great; and that some expenses were incurred, and agents employed, by the executive, either for party purposes, or from want of due attention to the conduct of officers appointed by the President.

In his public annual message to Congress, December, 1835, the President said, "that every branch of labor was

crowned with most abundant rewards; and that in every element of national resources and wealth, and of individual comfort, we witnessed the most rapid and solid improvements." And, in assenting to so gratifying a position, the people could not but look back to past administrations, by whose wisdom, fidelity, and foresight, measures had been adopted to secure this great national prosperity, and this permanent and progressive melioration of the condition of the country. "The general state of the foreign relations of the United States had not materially changed within the year." Little progress had been made in the settlement of the long-agitated subject of the northeastern boundary; but no unfriendly spirit had been manifested by the government of England; and efforts were still making to bring the dispute to a favorable termination. The subject occupied the attention of Congress at this session; but as it was in course of negotiation, under the care and direction of the executive, nothing was done, farther than to call for the correspondence relating to it for the year preceding, and the expression of a desire that efforts might be continued for its speedy settlement.

The President referred again, at this time, to the unjust delay of the French government, in omitting to pay the amount agreed by the treaty of 1831, as a compensation for losses by American citizens, caused by depredations of a former period. He gave a minute relation of the conduct of France, in this its neglect to do justice to the United States, and to perform engagements solemnly stipulated by treaty. The French government had resented the threatened language of the President, made a year before, and his proposition to Congress to make reprisals on the vessels and property of French citizens; and this was one cause of delay on the part of France. The President did not recommend an immediate resort to force; though he spoke with decision of this unjustifiable conduct of the French government. "It was not," he said, "that the people of the United States regarded with any deep interest the loss of twenty-five millions of francs; but they would witness any attack on their character, as an independent nation, with great sensibility." And he still indulged a hope, that the speedy performance of justice, on the part of France, would restore the former friendly spirit between that nation and the United States.

The President announced the highly and uncommonly prosperous state of the national treasury; and said that



eleven millions of dollars would probably be found therein, at the close of the year. The public debt had then been extinguished; and no extraordinary demands had recently arisen, to require very large drafts on the treasury of the nation. The recollection of this statement, no doubt correct, served to excite surprise, that within a short period after, the receipts into the treasury should not be adequate to the expenditures necessary to support the government; and that a resort was had to loans, for that purpose, in a time of peace. According to the estimate of the President, the amount in the treasury, for the usual expenditures, including the civil list, and the army and navy departments, for 1836, would be over thirty-seven millions; the balance in the treasury, at the end of the year, 1835, and the revenue from imposts and proceeds of the sale of public lands, being supposed to amount to that sum.

The President was so far in favor of internal improvements, by appropriations of the national funds, that he proposed the completion of public works, already undertaken; preferring, however, those relating to the navy yards and fortifications which might be necessary for defence.

His opposition to a distribution of the surplus funds among the States, was again fully expressed. He proposed no alteration of the act relating to the rate of duties on imports, which was adopted two years before, on the principle of compromise between those for and those against the tariff law of 1828; as the subject would be open for discussion in 1842; and the amount arising from imposts would, in his opinion, be sufficient for the expenses of government. The receipts from the sales of public lands during the year 1835, amounted to eleven millions; and it was the opinion of many members of Congress, as well as a great portion of the people, that the sum should be distributed among the States. The President was of a different opinion; from what motives and considerations, it was difficult to decide.

The bank of the United States did not escape the notice of the President on this occasion. "It was incumbent on Congress," he said, "in guarding the pecuniary interests of the country, to discontinue, by law, the receipt of bills of the bank of the United States, in payment of the public revenue, and to have an agent whose duty it should be to take charge of the books and stock of the United States in that institution; and to close all connection with it, after the third of March, 1836, when its charter would expire."

This proposition of the President discovered, as well his jealousy of the influence of the bank, as of his care of the public funds. For the charter of the bank, being soon to expire, it was within the competency of Congress to provide measures for receiving and guarding the national stock. The officious interference of the executive indicated an inveterately hostile spirit to the banking institutions of the country. While others regretted the discontinuance of the bank of the United States, and apprehended disastrous results from the measure, and believed also that a specie currency was impracticable, and if attempted to be introduced, would produce great embarrassment and suffering in the community; the President expressed high satisfaction and pleasure, in witnessing, as he persuaded himself he did, "The advantages which had already been derived from recent laws regulating the value of gold coinage." He predicted "That these advantages would be far greater, in the course of the following year, when the branch mints in North Carolina, Georgia, and Louisiana should have gone into operation—aided, as it is hoped they will be, by further *reforms* in the banking systems of the States, and by judicious regulations on the part of Congress, in relation to the custody of the public monies, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks; preventing that excessive issue of paper, whence arise those fluctuations in the standard of value, which render the rewards of labor uncertain."

The events of the two or three following years did not fulfil the predictions of the President. The new mint establishments, for coinage of gold and silver, served only to add to the expenses of the government. Every dollar coined cost nearly that sum in the manufacture; and in some cases more even. They were indeed, only occasions for extending executive patronage. The suppression of the United States Bank was followed immediately by extensive embarrassments in the business of the country, and by a diminution both of the value of real estate, and "of the rewards of labor." Other banks of little capital were increased, and a depreciated paper augmented the public distresses. And what was still more alarming, as it was a great change in all the former financial operations and course of the government, it led to the plan of the sub-treasury system; which proposes to place the public funds

entirely in the keeping and under the control of the executive department; thus depositing them in the hands of irresponsible individuals, instead of being at the direction of Congress, which would take care to have them kept in corporations of large capital and of able administration. In fact all the predictions of the President on these subjects were falsified by distressing realities which afterwards occurred. It was found impossible to have gold and silver the only medium of trade, or the only currency in the country. And though the opinion was grounded, that banks had been too much multiplied and should be more carefully regulated by law in their issues of paper, the attempt to suppress their bills, and to admit only of a specie currency, would have produced immediate distress of great extent; nor was it seen how it would eventually prove for the permanent advantage of the people. It might have checked the excessive desire for speculation, and thus have proved salutary, by introducing more economy in the modes of living with a portion of the people; but it would also have prevented useful and commendable enterprise, and been a great hindrance to the prosperity and improvement of the nation.

The plan of suppressing banks, of preventing the circulation of their bills and notes, and of permitting an entire metallic currency, was certainly a bold, if not a rash experiment; and was highly reprehensible, whether it originated in a belief of promoting the permanent welfare of the country, or in a vain hope of forming a financial system and policy superior to that of all former times. It was generally admitted, that a benefit would result to the nation from a diminution of banks, existing in 1833 and 1834, or from a strict conformity, in their issues of bills, to the laws by which they were established; but all business men, all practical men, all people concerned in trade, however prudent and cautious in their speculations, were of the opinion, that banks were useful in the community, that they had been the means of the rapid increase of wealth, and of great general prosperity; and that the forcing of a metallic currency would produce very disastrous effects. The project for a certain portion of gold and silver, as a currency, was not impugned; but it was contended that this could only be effected in a limited degree, and that bills and notes of banking companies were great facilities for the purposes of exchange and trade between different parts of the Union, and of no injury to any class of the people.

Such, too, it was justly contended, had been the policy of the federal government, under every administration,

from its first establishment, and had answered all the beneficial purposes intended or expected. It was, therefore, in some degree proof of rashness in the President to deviate from such safe precedent; and, under the pretence of reform, or of greater security to the people, in the enjoyment of their rights or the just reward of their labor, to insist on a system altogether new in the country, in opposition to the judgment of men of practical wisdom, and of extensive knowledge, respecting the support and the operations of trade. No abuses of banking companies could justify the experiment proposed; and the policy was early productive of incalculable mischiefs. It is not to be supposed that the President foresaw the disastrous effects of his experiment; but its failure furnishes admonition and rebuke to all rash innovators, and all visionary reformers of a policy which has long contributed to the prosperity and advancement of a nation.

While he claimed the right to act independently of, and in opposition to, the will of the legislature relating to the bank, and the removal of the public funds from it, the President professed a desire to have little discretionary power in the hands of the executive, and expressed the opinion, that his duty was to be defined and prescribed by the legislature. There here appeared some degree of inconsistency in his conduct, in the unauthorized removal of the government funds and the theoretic views of the President. He used the following language, when referring to the subject in this message: "I need only to add to what I have said on a former occasion—that, in the regulations which Congress may prescribe respecting the custody of the public monies, it is desirable that as little discretion, as may be deemed consistent with their safe keeping, should be given to executive agents. *No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits executive discretion. In respect to the control over the public money, this doctrine is peculiarly applicable,* and is in harmony with the great principle which I felt I was sustaining in the controversy with the bank; which has resulted in severing a dangerous connection between a monied and political power." It is difficult to perceive how the conduct of the President, in this case, was in harmony with the doctrine above asserted, or with the provisions of the Constitution. The majority of Congress were opposed to the removal of the public funds from the bank, and they were fully of opinion that they were safe therein; and yet the executive assumed power to remove them and to take

them into his own keeping. General Jackson would have the duty and authority particularly prescribed ; and yet he would use his own discretion, to any extent, in his official acts !

The President referred to the State of the militia of the United States, and recommended its more efficient organization. The opinion he expressed was in accordance with the views of his predecessors, and of other sound statesmen in the republic. "The militia," he said, "constituted our surest defence, and ought therefore to be well organized ; and a classification be ordered and maintained ; as this only would prevent the expense and danger of keeping up a large regular military force."

The removal of the Indian tribes residing on the eastern side of the Mississippi to a vacant territory west, was again mentioned by the President, at this time, and he informed Congress, that many of them had emigrated to the region allotted to them ; while some refused or hesitated to leave their former places of residence. It was his opinion, now anew and more explicitly declared, that their removal and separate location would prove highly beneficial to the tribes, and tend most effectually to their peace and welfare.

The condition of the navy was presented to the attention of Congress ; and it was proposed to adopt measures for adding to its strength and efficiency. The views expressed by the President were founded in a just appreciation of the importance of that essential arm of national defence.

The post office department had been now somewhat improved, since its great embarrassment at the period of two years before. Many delinquent agents and contractors, connected with that department, had been required to settle their accounts ; and there was a prospect that the income would be fully equal to the expenses of the institution.

The President took notice, in this message, of the circulation, by the mail, of tracts and pamphlets on the subject of slavery, which at that period produced a great excitement in the southern section of the Union. His views on the subject fully appear from the extracts following :—

"In connection with the subject of the post office, I must also invite your attention to the painful excitement produced in the south, by attempts to circulate, through the mails, inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

"There is, doubtless, no respectable portion of our coun-

trymen, who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders; and peace depends upon the maintenance, in good faith, of those compromises of the Constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feelings, and deep-rooted attachment of the people of the non-slaveholding States to the Union, and to their fellow citizens in the south, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts, who have dared to interfere in this matter, as to authorize a hope that these attempts will be no longer persisted in. But if these expressions of the public shall not be sufficient to effect so desirable a result, not a doubt can be entertained, that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the south, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil."

There was a great agitation of the public mind, and had been for several years, on the subject of domestic slavery. And in their zeal to put an end to this evil, as many considered it, or this positive injustice, as some pronounced it, pamphlets were printed in some of the northern States, of a very exciting and aggravated character; and sent by mail and otherwise, into those parts of the Union where slavery existed, and was allowed by law. Had those in the north, who considered slavery a social evil, inconsistent with republican principles, and contrary to the Christian religion, been content to use sober argument on the subject, or to publish tracts to show the evils and injustice of negro slavery in any form, for distribution among such as chose to purchase or receive them, they would not have been justly liable to the charges of inflammatory proceedings. The State governments are fully competent to regulate their internal police, and the federal Constitution recognizes the right to hold slaves, or at least has not prohibited such conduct in a State, where slavery then existed. It was therefore believed to be a violation of the federal compact, as well as doing great mischief to the people in the south-

ern States, to interfere with slavery within their jurisdiction, where it had long been maintained. Some of the publications had a tendency to create insurrections among the people of color against their owners and masters, which would have produced incalculable evil and sufferings. And thus the conduct of the ultra abolitionists was highly reprehensible: and yet so far as they acted conscientiously, after due inquiry, it might not justly be considered as *wicked*.

Difficulties arose in 1836, with some of the Creek and Cherokee tribes, in the territory of Florida. These tribes had always been opposed to a removal to a distant country, west of the Mississippi river; and some of them refused to emigrate. But the greater part of them retired into Florida; and were there joined by stragglers from other tribes, as well as by the few Indians, then residing in that territory. Exasperated by the severe treatment they had met with from Georgia, which was in some measure countenanced by the United States authority, they attacked the white population, and committed numerous outrages and murders. It was deemed proper by the federal executive to call on the military to check and suppress them. The militia were first called out under Governor Call; and afterwards the United States regular troops, commanded by General Jessup. Governor Call was unable to quell these hostile Indians; but when the President ordered General Jessup to proceed against them, he informed Congress there was reason to expect they would be soon reduced to subjection. This hope was not fulfilled. The Indians in that territory continued their depredations for many years, with various success and reverses; and though not sufficiently numerous to venture an attack upon the main body of the troops, under Jessup, they fell on the defenceless families in different places, and sometimes on small detachments of the troops, and committed robberies and murders, almost without number. Some of them were also slain, and others driven to their hiding places in the distant forests. The extent of sufferings they caused among the white population were almost unexampled, when it is recollected how few they were and how formidable the troops sent against them. The war in Florida against a few scattering Indians, in five years consumed many millions of dollars; and proved fatal to many young men of great promise, who would have been useful in society: many of them fell victims to the unhealthy climate. Judging from the progress and results of this un-

happy contest, it appears to have been conducted in an unskillful and desultory manner. Or may it be said, that the power of retributive justice, has been here remarkably displayed?

In the message of President Jackson to Congress, December, 1836, which was his last annual address to that body, he referred to various subjects of a public and national character, on which the attention of the administration had been bestowed subsequent to the previous session. And he said he had reason to congratulate the Representatives of the people, and through them the people themselves, on the prosperous state of the Union, and the continued friendly relations with other governments. But the question of the northeastern boundary, remained unadjusted; and there had also been an unexpected delay, on the part of Mexico, in running the line between that country and the United States. Some misunderstanding occurred, in consequence of a hasty view taken by the Mexican minister, of the advance of General Gaines, with some United States troops into the territory of Texas, and then claimed by the Mexican government to be within its jurisdiction. But it soon appeared he only advanced a small distance beyond the acknowledged bounds of the United States; and that merely for the purpose of preserving the frontiers from the inroads of Indian tribes; which was according to a provision included in the treaty then existing between the two republics.

He spoke again of the dangerous influence of the bank of the United States; and so strong was his opposition to the institution, either from prejudice or exaggerated representations of its administration, that he advised to the immediate disconnection with it of the department of the national treasury, in all respects. The revenue for 1836, was productive beyond all former years. At the close of the year there were forty-seven millions and seven hundred thousand dollars in the treasury: twenty-two millions and a half of which accrued from the customs; and twenty-four millions from other sources, chiefly from the sale of public lands. There would be, according to the estimation of the Secretary of the treasury department, forty-one millions for distribution among the States: a plan for which was then matured. But the President did not recommend this measure, and it was not without great reluctance that he approved the bill for the purpose. He differed from the majority of Congress on this subject; but had the prudence to give the plan his sanction, in accordance with the pre-



vailing opinion. He even doubted the constitutionality of the measure; and was opposed to the policy of allowing to the several States any surplusage in the public treasury. As a general and permanent proceeding, it would seem to be unwise and inexpedient; and a proper regulation would be to lessen the rate of duties, so as to avoid a very great superfluous sum remaining. But the rate of duties could not then be justly reduced, as there was a law in operation, of the character of a compromise, which the government was bound not to violate. In a few years, the law would cease to be in force, and the duties might be brought down to the wants of the government. When there was a very large amount in the treasury, the public debt paid, and no extraordinary expenses anticipated, it was alike wise and equitable to cause a distribution among the several States, to which it justly belonged, for their appropriation. A large sum in the treasury would have been a strong temptation to Congress, or the executive, to expend it in a visionary, partial or unnecessary manner.

Although the compromise act regulating the rate of duties on imported goods and articles, passed two years before, was an implied engagement in the government not to make any change till 1842, except the gradual decrease, as expressly provided by it, the President suggested the propriety of other reductions; but with apparent hesitation, and without an express recommendation. Being opposed to the plan of a distribution of the national funds among the States, however superabundant, he was in favor of keeping down the revenue to the necessary expenses attending the support of the government, by a diminution of imposts accruing from the existing laws. But the majority of Congress were not willing to disturb the compromise law; and many of the members from the middle States, who were supporters of the general measures of the administration, were decidedly in favor of the system of protecting domestic manufactures.

General Jackson retired from the presidency in March, 1837; his second term of service, in that high office, having then expired. During his administration, the public debt of the United States was wholly paid; but the policy and system for extinguishing it, by annual payments, had been adopted by President Monroe, twenty years before. And the credit of this provident plan was principally due to Hon. Mr. Lowndes, a distinguished member of Congress from South Carolina. And President Adams had faithfully pursued this wise and prudent course, having reduced the

debt of the nation, by the appropriation of about ten millions annually.

When General Jackson came into office, in 1829, it was said the expenses of the federal government were far greater than necessary; and that there was much extravagance in the public appropriations and expenditures. Large sums had been voted for surveys of public roads, canals, &c., and these were considered unnecessary by some members, and unconstitutional by others of the national legislature. But the public expenses were much increased during the administration of President Jackson. The population of the country had indeed increased, and this could not but be attended with some additional expenses to the government; as the conveyance of the mail in many places where the proceeds were very small; additional land agents and land registers in the western parts of the Union; and an increase of officers in the departments at Washington, and in some districts for the collection of the revenue. But the additional expenses were much greater than could be justly required for these purposes. Offices were unnecessarily multiplied, in some cases; especially in the post office department; which was managed in 1830 and 1831, with as little wisdom as economy. And large sums were lost to the national treasury, through the delinquencies of the collectors and receivers of the public monies; and by the unjustifiable lenity and forbearance shown by the higher officers of government to such delinquents, even after their defalcations were known and of long standing.

The promises of President Jackson's friends and supporters were not realized. They, indeed, were rewarded; but not without a gross disregard to economy; and whoever would not flatter the President, nor applaud his measures, however honest, were removed from office; and his professed friends exclusively entrusted with commissions which should be given only to the upright and patriotic.

But his arbitrary conduct in the management of the public monies was most highly objectionable and most alarming to the friends of constitutional law, who considered the funds of the government entirely under the control of the representatives of the people; except that the executive should be allowed discretion as to the time and manner of expending the money appropriated by law. His conduct, therefore, in seizing on the public funds, and withdrawing them from the bank of the United States, where Congress had ordered them to be deposited and kept, was very generally condemned, as an act of a most arbitrary nature, and

of very dangerous precedent. And it was not so much this single act, arbitrary and unauthorized as it was, as the principle assumed by the President, in this measure, of a right in the executive to go beyond law and contrary to law even; and to make his own opinion, rather than the laws of Congress, the rule of his conduct.

The principles of General Jackson, as chief magistrate, have been sometimes deemed to be similar to those of President Jefferson. Not that the latter had the boldness, or disregard of public opinion, as the former sometimes manifested; but they both were disposed to assume authority, not clearly given to the executive officer of the republic. Instead of making the Constitution and the laws the only rule of action, they claimed a right to exercise their discretion, in many cases; and, under the pretence of promoting the public welfare and prosperity, which was indicated, as they professed to believe, by popular opinions expressed in a moment of great excitement, they acted without lawful authority, and without the previous sanction of the legislature. Because the executive had some powers given it independent of the legislative or judicial departments, they contended for a right to act according to their own individual judgment; professing, indeed, at the same time, a sole regard to the rights and welfare of the people. But this is a dangerous principle, however pure may be the motives by which the measures have been adopted. No people are secure in their rights, without rule and law.— And in this chiefly, consists the difference between a republic, resting on a Constitution approved by the people, and a government administered according to the discretion and will of a chief; between a well regulated community; and a discretionary or arbitrary dynasty.

General Jackson was more independent and more daring in his character, than Mr. Jefferson; and therefore, at times, the more arbitrary, and the more dangerous as the chief magistrate of a republic. Julius Cæsar professed to seek the welfare and glory of the Roman republic; and Napoleon Buonaparte, the liberty and prosperity of France: but both were arbitrary, and their conduct tyrannical; and therefore injurious to the liberties and happiness of the people of their respective countries.

It is not necessary to suppose that either of these eminent men were uncommonly selfish and ambitious, nor to assert that they were destitute of patriotic sentiments. But such was their pride of opinion, or their self-estimation, or their erroneous theory of a republican government, that they some-

times assumed power exceeding constitutional grants, which is never to be justified, and always leads to despotism, in some form. The greatest men are subject to prejudice, and liable to be betrayed by personal feelings; and it is always just cause of alarm to the friends of a stable government, when the rulers disregard the constitutional provisions made for the preservation of the rights and welfare of the people, and substitute their own will as a guide for their public conduct.

The conduct of President Jackson was not, in all respects, so favorable to the hopes of those who had been sanguine in their belief of the perpetuity of the republic, as that of his two immediate predecessors. Of the others, it is not necessary here to speak. They made the Constitution a guide in their practice as well as in their professions; and assumed little or no powers, not clearly vested in the chief magistrate of the Union. In monarchies, the reigning prince has high discretionary powers. The exercise of the royal prerogative is often carried to a great extent; and thus the rights of the subjects are liable to be violated by the mere will of the king. In a republic, it is at least theoretically otherwise. Where the discretion of the magistrate is the rule and measure of his official acts, however patriotic are his purposes, equal and impartial justice cannot be expected. He is not infallible, and may err in his judgment. He is subject to like passions and prejudices, as other men, and will probably act from partial and improper feelings. From this source, there is always great danger to a republican government. The people must check all usurpation, and all arbitrary assumption of power in their rulers, or their liberties will be temporary and evanescent. If several successive chief magistrates of the Union are arbitrary in administering the government, and repeatedly transcend or disregard the provisions of the Constitution, many generations will not have passed, before their civil freedom will be lost beyond recovery, and the people subject to as despotic rule as that of Cæsar, or Napoleon, or the Autocrat of Russia. Unless the Constitution be the guide, the government of the United States, once highly blest, will be that of misrule and despotism.

## CHAPTER XV.

**Martin Van Buren chosen President. His public Character—His Political Views similar to those of his Predecessors : Pursues similar Measures respecting Banks and the Currency. An extra Session of Congress. His opinion that the Government is not bound to interfere for the Relief of the People on account of the Distresses in Trade. Treasury Notes issued. Part of the Sum previously ordered to be distributed among the States, withheld. Florida War very expensive, and long protracted. Closing Remarks.**

MARTIN VAN BUREN, of the State of New York, who had been four years Vice President, was elected the chief magistrate of the United States in 1837. He had then been many years in public life, and held several high offices, in his native State, and in the federal government. His talents, as a statesman, were acknowledged by all; and experience had made him familiar with political subjects, and the public affairs of the nation. As a literary man, and as a civil magistrate, he is believed to be superior to his immediate predecessor. But in the opinion of those long associated with him in public life, or who had observed his political course, he was supposed to possess a spirit of unbounded ambition; and uncommon talents for intrigue to minister to his ruling passion. A political character should not, indeed, be too severely censured for being ambitious; and there are few politicians who would not be liable to the charge. It is difficult also, in all cases, to decide what individual resorts most to intrigue, that he may rise; or whose intrigues are the most dishonorable and reprehensible. It is only the acts and measures of politicians or rulers, that require the cognizance, and warrant the judgment of their fellow men. It may be safely said of Mr. Van Buren, that he did not excel some other citizens of the republic, in talents, services, or experience, when he was elected President of the United States. What chiefly procured the voice of the people in his favor, was the station he had held as Vice President, and his publicly avowed resolution to pursue the policy of General Jackson, with whom he had been long associated in administering the government; and most of whose measures he probably had proposed. General Jackson had a strong hold on the confidence of the people, during the

greater part of his presidency; for it was believed he was sincere and patriotic, though he failed to introduce any reform, as to the expenses of the government, as he and his friends had promised; and his policy, so far as it was new, had produced, or not prevented, great public embarrassment and distress.

While a candidate for the office of chief magistrate, and after he ascended the chair of State, Mr. Van Buren declared that his policy and measures would be identical with those of his predecessor, and that his purpose was "to follow in the footsteps" of the man whom he professed so highly to venerate and admire. It had been hoped, that such professions were early made, in part, for the sake of reaching the high goal before him; but, being in some degree a practical man, sensible of the advantages of commerce, and therefore in favor of the credit system, and of banks, which he had not formerly opposed, that he would gradually return to the policy of Mr. Adams, and Mr. Monroe. President Van Buren, however, denounced the banks, and represented them as the cause of all the evils and distress in the country. So far as the general government had the power, he endeavored to depreciate these institutions. A specie currency, it was also his avowed object to introduce; especially, in all concerns relating to the government. And he repeatedly declared it to be his purpose to separate the government from the people, and to provide exclusively for the financial prosperity of the former; implying, that in his opinion, the welfare and protection of the latter, as to their trade and monetary affairs, were not objects of the attention and concern of the national rulers.

This doctrine does not appear very consistent with the spirit and letter of the Constitution, by which the general government was instituted; being to preserve the welfare and to promote the prosperity of the people; and giving power to it to regulate the currency of the country. There is evidently, then, a power for regulating banking companies, and by evident implication for incorporating them; and if they have been found for the public benefit, when wisely managed, a duty devolves on the government of the Union to give them support, while care is taken to provide for their due regulation. Mr. Madison and Mr. Monroe believed a national bank would be of extensive benefit, both to the people and the government. General Jackson supposed such a bank to be injurious to the country, rather than promotive of its prosperity: and, entertaining this opinion, he was consistent in his opposition to it. But it is dif-

difficult to perceive either consistency or patriotism in those who refuse to provide relief for the people, or deny the duty of the government to find a substitute for an institution, which had proved instrumental in promoting the prosperity of the nation.

Within two years from the discontinuance of the bank of the United States, although the public debt had been paid, the administration found it necessary to resort to large loans, to meet the ordinary expenses of the government, owing to the embarrassments in trade, and the consequent diminution of the revenue. The suspension of the charter of the United States Bank was, in a great degree, the cause of this depression of the spirit of enterprise, and of extensive suffering among the trading classes. There had, indeed, been great importations of foreign goods in 1836, beyond prudent and reasonable calculations; but the evils resulting from overtrading could not have at once produced such deep and extensive suffering. There would not have been a shock so sudden and overwhelming, had the bank of the United States been then in operation. It would have afforded facilities to the merchants and others, preserved confidence among the citizens, and kept up a course of exchange between different sections of the country. One great ostensible object for discontinuing the national bank was, to put an end to the circulation of paper bills, and to prepare for currency in gold and silver. But this was not the effect, to any perceptible extent, of closing that institution. State banks were immediately increased, with the view of making them a remedy, or substitute for the bank of the United States. But it was found impossible to obtain circulation for them in places or States distant from their location; and many of them had not sufficient capital to support their credit in a season of pressure among the merchants.

As a large portion of the citizens of the United States are merchants or traders, banks have justly been considered, in some measure, necessary; they have certainly proved highly auspicious to the prosperity and advancement of the country. Every State in the Union has had incorporated banking companies, with a view to general benefit; and no practical men denied their utility, when duly organized and conducted. And some few cases of error or abuse is far from justifying a general condemnation of them. But State banks are designed chiefly for the benefit and convenience of the citizens of such State. They are a part of its internal police, and are enacted for a limited circulation, rather than for a currency in all the other States of the

Union. And therefore a national bank is demanded, for more extensive utility and accommodation. This is also in strict analogy with the nature of the government of the separate States, and of the United States. Before the Union was formed and established, by the organization of the federal government, under the present Constitution, the individual States were strictly independent and sovereign. They had acted in concert; but the Continental Congress had no power to enforce their requisitions. And after the federal government was established, the several States had all their former power, except what they vested in the new Congress for national or general purposes. They had issued paper money and established banks; and they continued to incorporate them afterwards, though they were prohibited issuing bills in the name of the State. The federal government did not attempt to prevent these measures. And yet it has been sometimes asserted they had constitutional power to do it; and that it would have been more for the stability of the currency of the country, if they had exerted such authority. But precedent has sanctioned the State banks. And yet, for the purposes of a general and stable currency, throughout the Union, as free as such institutions can be, from fluctuations in financial concerns and proceedings, a national bank was demanded both by the wise statesmen, and the traders and merchants in 1791. Its operations were found useful, and tended directly to a great degree of prosperity, in various respects. Mr. Madison was so fully persuaded of its utility, that, while he had some constitutional objections to instituting a bank by the federal government, he was induced to approve of it.

But President Jackson, considered it proper to suppress it; and his successor, either believing him infallible, or his popularity sufficiently strong to maintain all his measures, and even to give great influence to any one who should follow them, pursued a hostile course against banks, both national and State; and directed all his official efforts to introduce a metallic currency.

Early in the year 1837, an uncommon measure of embarrassment and suffering was experienced in all parts of the Union; and continued through the year. Overtrading, or the unusual amount of importations, was one cause, to which this unprosperous state of the country was imputed. But it was also attributed to the discontinuance of the national bank, and to the repeated attempts of the administration to destroy its influence. As the bank had, accord-



ing to the opinion of all practical men, and of all engaged in mercantile pursuits, been highly favorable to the credit system, and to honorable enterprise tending to the general prosperity, and not of any injury to the government which could be shown; so its termination, by act of Congress, was justly considered of the greatest and most extensive influence in causing the evils witnessed at this period. And as the policy and measures of the federal government were believed to have produced or augmented the public distress, it was a rational conclusion, that it might afford some relief. Several petitions from different commercial towns and cities, with very numerous subscribers, were presented to the President, requesting that he would summons a meeting of Congress at a more early day than that on which it had been usual to assemble. The President delayed sometime to act on the petitions; but the distress increasing, and other petitions being addressed to him, he issued a proclamation for convening the national legislature in the month of September.

In his message to Congress, however, at this time, he gave no hope to the people of receiving any relief from the government. He distinctly expressed the opinion, that the national legislature could do nothing to mitigate the evils which existed; that it was not the duty or design of the federal government to interfere in such cases; that the embarrassments complained of arose from the unwise conduct of the trading part of the community; and that they only could supply a remedy, by a more prudent and limited course of enterprise and trade. And he distinctly advanced the strange doctrine, that all the government could do, or was designed to do, was to take care of itself; to pay indeed the public debts, and discharge the usual expenses which occurred; but that it might not justly be expected to legislate with reference to the monetary concerns of the country, for the benefit of any class or classes of the people. This was correct only in part; as it could not be demanded of the government in all cases, to prevent reverses in business, always owing in some measure to the mistakes or imprudence of individuals; but as it had destroyed one important means of benefit and facility to the merchants, and through them to all other classes of citizens; and the existing evils might be referred in part to that measure, there was a propriety in applying to the federal government for relief under their sufferings. Congress, it was admitted, had the power to regulate the currency, and the federal government was designed to protect the commerce of the

country ; it was therefore believed it had sufficient authority to legislate, by uniform acts, with a view to support the credit system, and to establish means, by a national bank, for general relief. But the principal act of this extra session was that for authorizing the issue of treasury notes, to the amount of ten millions of dollars, for the immediate wants of the government. This was no other than a loan, except in name ; which it was probably a wish to avoid ; and yet power was given to the Secretary of the Treasury to borrow, if he should find it necessary. The notes were made negotiable ; and thus became in fact merely paper money ; with no better credit, for there was no greater capital or certainty of payment, than there had been in the national bank. The like amount of treasury notes was authorized in 1838, and again in 1839 : but a part of former issues had then been redeemed.\*

The law of June, 1836, providing for the distribution of the surplus funds of the government, to and among the several States, was suspended in October, 1837 ; after three-fourths of the same had been transferred to the States, in pursuance of the former act.

When the national funds were withdrawn from the bank of the United States, they were deposited in various State banks in most of the large and populous cities of the Union. But this proved unfortunate to the fiscal concerns of the government. Some of these deposit banks were imprudently managed, though under the sole direction of political friends of the administration ; and large sums were thus entirely lost to the treasury. Had all the State banks been selected by the treasury department for their ability and faithful and prudent direction, and not for party purposes, to oblige its supporters, there would have been no reason to regret such deposits of the public funds. In the absence of a national bank, State banks, properly located and chosen with proper discrimination, have proved of great facility and advantage, both to the government and the people.

The administration of President Van Buren has been chiefly distinguished for proposing and urging the sub-treasury system. The plan was suggested by his predecessor, when meditating the discontinuance of the national bank ; and the course he pursued, in directing the Secretary of the Treasury to withdraw the public funds from that in-

\* Twenty thousand dollars were allowed to meet the expenses of issuing these notes from the treasury.

stitution, to take them into his own possession, and place them for safe keeping, in such other banks as he might select; thus assuming, as the executive officer of the government, the control and disposition of them; was the origin, and the first practical operation of the system of a sub-treasury. Congress have as yet, indeed, the sole right to vote money, and to direct as to the objects for which it is appropriated; but as to its keeping, whether in banks known to be safe, or in any other specific manner or way, it is entirely under the control of the Secretary of the Treasury; and he again is the servant of the President; and not of Congress nor of the people. A door is thus opened for favoritism, for partiality to political friends, in the appointment of receivers and keepers of the national funds. And when the prejudices and passions of men are remembered, such a system will be, as in many cases it has already been, attended with great misapplication, detention, and loss of the people's money. A Secretary of the Treasury may be perfectly honest, and yet from mistaken lenity or political friendship, may permit delays and delinquencies highly improper in a public officer, and injurious to the interests of the government.

Political partiality in appointments to office, was manifested under President Van Buren to as great an extent as during the administration of General Jackson. Not a very large number were removed; for the offices of government were generally held by the friends of his predecessor. But when the term fixed by law for a commission to run, if the incumbent was discovered to be in any way opposed to the policy of the administration, or to relax at all in his zeal or his efforts to support the candidates of the party, he was dismissed at the expiration of his first commission.

This partial and exclusive policy was indeed adopted by one of his predecessors, in an early period of the federal government; but it was very generally condemned as improper; the hope of office being thus held out to unprincipled men to attach themselves to the reigning administration. It was now more alarming and more reprehensible, as it was expressly declared by a prominent friend of President Jackson and President Van Buren, "*that the spoils of office belonged to the victors.*"

The war in Florida was continued during the administration of President Van Buren; and very large sums, expended in maintaining it: During the year 1836, one million and a half of dollars were appropriated to prosecute that unfortunate contest. In January, 1837, two millions

more were voted for the purpose : Both of which were before the retirement of General Jackson. At the extra session in October, 1837, a large amount was again appropriated ; and in 1838, the expenses for supporting an army in that quarter, against the Indians, were to as great an amount as in either of the two preceding years. When the difficulty arose with these Indians, President Jackson supposed that it would soon be terminated. And no one, at that time, had any reason to suppose it would continue for years, and have cost the government eight or ten millions. Other measures than those of force, would probably have terminated the difficulty at an early period. It would certainly have saved many valuable lives, now lost to the country ; and been far more satisfactory to the friends of humanity throughout the Union.

Although generally opposed to the policy of internal improvements, at the expense of the federal government, large sums were expended for repairs on the Cumberland road, and for its continuance through the States of Indiana and Illinois. But this was an object of great national benefit, by opening a way from the Atlantic to the interior of the Union ; and the work had originated with Congress several years before. The friends of the administration, who were also advocate of State rights, believed there was no inconsistency in this conduct. Large appropriations were also made in 1836, and in 1837, for lighthouses, lifeboats, buoys, and monuments, for the benefit of navigation ; but for these purposes there was always far more agreement among the different parties in Congress.

The public expenses continued, almost invariably, to increase, from the year 1829 to 1838. Public agents were multiplied, and an increased compensation, in many cases, were allowed them for their services. And large sums were lost by the improper appropriation of monies put into the hands of the federal officers. There was often a pretence for charging for extra service, and thus obtaining more than was clearly allowed by law. The expenses of the public printing for Congress, and for the departments under the executive, were among those in which great sums were expended ; and it was found that frequently the business could have been performed at ten or twenty per cent. less than was given. And this conduct could justly deserve no other name than corruption, or a gross abuse of the patronage of the government, for party purposes.

The full results of the peculiar and experimental policy

of President Jackson and President Van Buren, respecting banks and the currency, in their influence on the condition of the country, for good or for evil, for succeeding years, cannot be correctly estimated. The immediate consequences were a general disturbance of the trade and monetary affairs of the nation, and an unprecedented check to the accustomed pursuits of a people, so enterprizing in their spirit and so desirous of improving their condition, as are the citizens of the United States. The Sub-treasury scheme also gave alarm to the friends of the Constitution, generally, and to men of settled republican sentiments, who perceived in it a deviation from the essential elements of liberty recognized in the Constitution, and a weakening of the responsibility of public agents, who should always be controlled by the authority of law. They knew that power was corrupting; that it was necessary to impose checks on those who were clothed with political authority, and to make them constantly amenable to their constituents. The developments and effects of this fearful experiment must be left for narration to a distant day. The only just hope of the perpetuity and future purity of the republic, rests on the intelligence and virtue of the people; and on their wisdom in the choice of men for places of public trust; who, like WASHINGTON, shall make the Constitution their guide; and, under the controlling influence of its doctrines and requisitions, shall seek to preserve the integrity of the Union, and the rights and welfare of individuals.

## APPENDIX.

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Extracts from the Speeches of Mr. Webster, a Senator from Massachusetts, and of Mr. Hayne, of South Carolina, January, 1830, on the subject of State Rights, and of the powers of the Federal Government, are deemed of such superior importance, and of such general interest, that they are here given.

MR. WEBSTER. There remains to be performed, by far the most grave and important duty, which I feel to be devolved on me, by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. \* \* \*

I understand the honorable gentleman from South Carolina, [Mr. Hayne,] to maintain that it is a right of the State legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority, is not lodged exclusively in the general government, or any branch of it; but, that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist, that if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government, which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine; and the doctrine which he maintains. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the Tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe those laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference, at State discretion, the right of nullifying acts of Congress, by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication, justify us in supposing was not unpremeditated. "The sovereignty of the State—never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

[Mr. Hayne here rose, and said, that for the purpose of being clearly understood, he would state, that his proposition was in the words of the Virginia resolution, as follows:—

"That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact: and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."]

Mr. Webster resumed—I am quite aware of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, that, *in the*

*case of the dangerous exercise of powers not granted, by the general government, the States may interpose to arrest the progress of the evil* But *how* interpose, and what does this declaration purport?—Does it mean no more, than that there may be extreme cases, in which the People, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England, also: Blackstone admits as much, in the theory, and practice, too, of the English Constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the State governments. [Mr. Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained, was, that, in case of plain, palpable violation of the Constitution, by the general government, a State may interpose; and that this interposition is constitutional.] Mr. Webster resumed: So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for, is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government, I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine, that unconstitutional laws bind the people. The great question is, *whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws?* On that, the main debate hinges. The proposition, that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere, and annul the law of Congress, is the proposition of the gentleman; I do not admit it. If the gentleman had intended no more than to assert the right of revolution, for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution, or rebellion, on the other. I say, the right



of a State to annul a law of Congress, cannot be maintained, but on the ground of the unalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to, when a revolution is to be justified. But I do not admit that, under the Constitution, and in conformity with it, there is any mode, in which a State government, as a member of the Union, can interfere, and stop the progress of the general government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government, and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends, leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creator of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government; made for the people; made by the people: and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State

sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiments to which I have referred, propounds that State sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is not to be controlled at all: for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money, is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States; which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies, which have already been alluded to, and to which I refer again, for the purpose of ascertaining more fully, what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them, I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact; and, as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the general government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls

upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion, by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* held those laws to be both highly proper and strictly Constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he relieve us from this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina therefore, may *nullify* it, and refuse to pay the duties. In Pennsylvania, it is both clearly Constitutional, and highly expedient; and there the duties are to be paid. And yet, we live under a government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again, precisely, upon the old confederation?

It is too plain to be argued. Four and twenty interpreters of Constitutional law, each with a power to decide for itself, and none with authority to bind any body else, and this Constitutional law the only bond of their union! What is such a state of things, but a mere connection, during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the Constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that appealing with confidence to the Constitution itself, to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions

above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or it may be more properly said, it is identical with it, rather than a result from it.

In the same publication we find the following : "Previously to our Revolution, when the arm of oppression was stretched over New England, where did our northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? *We had no extortion, no oppression, no collision with the king's ministers, no navigation interests springing up in envious rivalry of England.*"

This seems extraordinary language. South Carolina no collision with the king's ministers, in 1775! No extortion! No oppression! But sir, it is, also, most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether at this time, that is to say, in 1828, South Carolina has any collision with the king's ministers, any oppression, or extortion to fear from England? Whether, in short, England is not as naturally the friend of South Carolina, as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man, in South Carolina, in 1828, should thus labor to prove, that in 1775, there was no hostility, no cause of war between South Carolina and England? That she had no occasion, in reference to her own interest, or from a regard to her own welfare, to take up arms in the revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the State, otherwise than by supposing the object to be, what I have already intimated, to raise the question, if they had no "*collision*" (mark the expression) with the ministers of King George the Third, in 1775, what *collision* have they, in 1828, with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from *Old*, more, or rather, than from *New* England?

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them : they go no further than the honorable gentleman himself has gone, and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support his own opinions by New England authority. New England

has studied the Constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently, both of its just authority, and its utility and excellence. The history of her legislative proceedings may be traced—the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up—they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored—it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now ; she always did reject it ; and till she loses her senses, she always will reject it. The honorable member has referred to expressions on the subject of the embargo law, made in this place by an honorable and venerable gentleman [Mr. Hillhouse] now favoring us with his presence. He quotes that distinguished Senator as saying, that, in his judgment, the embargo law was unconstitutional, and that, therefore in his opinion, the people were not bound to obey it. That, sir, is perfectly Constitutional language. An unconstitutional law is not binding ; *but then it does not rest with a resolution, or a law of a State legislature, to decide whether an act of Congress be, or be not Constitutional.* An unconstitutional act of Congress would not bind the people of this district, although they have no legislature to interfere in their behalf ; and, on the other hand, a constitutional law of Congress does bind the citizens of every State, although all their legislatures should undertake to annul it, by act or resolution. The venerable Connecticut Senator is a constitutional lawyer, of sound principles, and enlarged knowledge ; a statesman, practised and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others ; but what then ? Who, did he suppose, was to decide that question ? The State legislatures ? Certainly not. No such sentiment ever escaped his lips. Let us follow up, sir, this New England opposition to the embargo laws ; let us trace it till we discern the principle which controlled and governed New England, throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the legislature of Massachusetts, asserting the Carolina doctrine ; that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find, in her proceedings, much evidence of dissatisfac-

tion with the measures of the government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her: for, notwithstanding all this dissatisfaction and dislike, she claimed no right, still, to sever asunder the bonds of union. There was heat, and there was anger, in her political feeling—be it so—her heat or her anger did not nevertheless, betray her into infidelity to the government. The gentleman labors to prove that she disliked the embargo, as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy?—did she threaten to interfere, by State authority, to annul the laws of the Union?* That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina, hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must, of course, continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing; or is it putting an end to it altogether? Nothing is more certain, than that a majority in New England deemed this law a violation of the Constitution. The very case required by the gentleman, to justify State interference, had then arisen. Massachusetts believed this law to be "*a deliberate, palpable, and dangerous exercise of a power, not granted by the Constitution.*" Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interest. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution; and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also, that as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power.

to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress, and, secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be, in such cases, who is to decide this? Who is to judge between the people and the government? And, sir, it is quite plain, that the Constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of deciding ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing, and solemn argument; and he who espoused their cause, and stood up for them against the validity of the embargo act, was none other than that great man of whom the gentleman has made honorable mention, Samuel Dexter. He was then, sir, in the fullness of his knowledge, and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties; carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils, is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it; he had examined its principles, that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the union of the States. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rules, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was

argument; his inference seemed demonstration. The earnestness of his own conviction, wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding: for he had avowed, in the most public manner, his entire concurrence with his neighbors, on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the Judicial tribunals, we should have broken up the embargo, by laws of our own: we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believe the embargo unconstitutional; but still, that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, *because we did not wish to bring about a revolution, nor to break up the Union*: for I maintain, that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground—there is no ambiguous condition, half allegiance, and half rebellion. And, sir, how futile, how very futile, it is, to admit the right of State interference, and then attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the State governments. It must be a clear case, it is said; a deliberate case; a palpable case; a dangerous case. But then the State is still left at liberty to decide for herself, what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail any thing? Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear and very palpable, to those who respectively espouse them; and both sides usually grow clearer, as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there, also; and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it—she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *Resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous: but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *Resolves*, also, and gives to every warm affirmative of South Carolina, a plain downright, Pennsylvania negative. South Carolina, to show the



strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect more than others, reduces her dissentient fraction to a single vote. Now, sir, again I ask the gentleman, what is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck with one reflection, as the gentleman [Mr. Hayne] went on in his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that, consequently, a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison himself deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent—futility—I had almost used a stronger word—of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications, of which the States themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion, and beyond the control of the State; or else we have no Constitution of general government, and thrust back again to the days of the confederacy.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would, very likely, have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that, which is thought palpably unconstitutional in South Carolina, justifies that State in arresting the progress of the law, tell me, whether that which was thought palpably unconstitutional also

in Massachusetts, would have justified her in doing the same thing? Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by Congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the State to interfere, and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere, by complaint and remonstrance, or by proposing to the people an alteration of the federal Constitution. This would be all quite unobjectionable; or, it may be, that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts, and this, in my opinion, is all that he who framed the resolutions could have meant by it; for I shall not readily believe, that he was ever of opinion that a State, under the Constitution, and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, whence is this supposed right of the States derived?—where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains, is a notion, founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the state governments for another. It has its own powers, they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted, by them, to our administration. It is not the creature of the State governments. It is of no moment to the argument, that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures; and which they might have left to be performed else-

where, if they had seen fit. So they have left the choice of President with electors ; but all this does not affect the proposition, that this whole government, President, Senate, and House of Representatives, is a popular government. It leaves it still all its popular character. The Governor of a State, (in some of the States,) is chosen, not directly by the people, but by those who are chosen by the people, for the purpose of performing, among other duties, that of electing a Governor. Is the government of a State, on that account, not a popular government ? This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures ; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war ; they cannot contract alliances ; they cannot make, each for itself, separate regulations of commerce ; they cannot lay imposts ; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted ; and all others, they declare, are reserved to the States or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt ; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people ? Who shall interpret their will, where it may be supposed they have left it doubtful ? With whom do they repose this ultimate right of deciding on the powers of the government ? Sir, they have settled all this in the fullest manner. They have left it, with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, depend on State opinion, and State discretion. \* \* \*

But who shall decide on the question of interference ? To whom lies the last appeal ? This, sir, the Constitution itself decides, also, by declaring, "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch. With these, it is a Constitution ; without them, it is a confederacy. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode

for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection ; and, but for this, it would, in all probability, have been now among things which are past. Having constituted the government, and declared its powers, the people have further said, that since somebody must decide on the extent of these powers, the government shall itself decide ; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere ? Who, or what, gives them the right to say to the people, " We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them ! " The reply would be, I think, not impertinent—" Who made you a judge over another's servants ? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A *nullifying* act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress, for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office, or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could any thing have been more preposterous, than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen, or twenty-four, interpretations ? Instead of one tribunal, established by all, responsible to all, with power to decide for all—shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others ; and each at liberty, too, to give a new con-

struction on every new election of its own members? Would any thing, with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics, for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit, that it is a government of strictly limited powers; of enumerated, specified, and particularised powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limits and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long existing, if some mode had not been provided, in which these doubts, as they should arise, might be peaceably, but authoritatively, solved. \* \* \*

Let it be remembered, that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people, who established it, shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power, between the State governments and the general government, they can alter that distribution at will.

If any thing be found in the national Constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it, and refuse to change it; who has given, or who can give, to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves: they imagine there is no safety for them, any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the general constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trusts their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents, whenever they see cause.

Thirdly, they have reposed trust in the judicial power, which, in order that it might be trust worthy, they have made as respectable, as disinterested, and as independent as was practicable.— Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, *finally*, the people of the United States have, at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* high instrument of government: much less to interfere, by their own power, to arrest its course and operation.

MR. HAYNE. The proposition which I laid down, and from which the gentleman dissents, is taken from the Virginia resolutions of '98, and is in these words, "that in case of a deliberate, palpable, and dangerous exercise by the federal government of *powers not granted* by the compact, [the Constitution,] the States who are parties thereto, *have a right to interpose*, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties, appertaining to them." The gentleman insists that the States have no right to decide whether the Constitution has been violated by acts of Congress or not—but *that the federal government is the exclusive judge of the extent of its own powers*; and that in case of a violation of the Constitution, however "deliberate, palpable, and dangerous," a State has no constitutional redress, except where the matter can be brought before the Supreme Court, whose decision must be final and conclusive on the subject. Having thus distinctly stated the points in dispute between the gentleman and myself, I proceed to examine them. And here it will be necessary to go back to the origin of the federal government. It cannot be doubted, and is not denied, that before the Constitution, each State was an independent sovereignty, possessing all the rights and powers appertaining to independent nations; nor can it be denied, that, after the Constitution was formed, they remained equally sovereign and independent, as to all powers not expressly delegated to the federal government. This would have been the case even if no positive provision to that effect had been inserted in that instrument. But to remove all doubt it is expressly declared, by the 10th article of the amendment of the Constitution, "that the powers not delegated to the States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The true nature of the federal Constitution, therefore, is, (in the language of Mr. Madison,) "a compact to which the States are parties," a compact by which each State, acting in its sovereign capacity, has entered into an agreement with the other States, by which they have consented that certain designated powers

shall be exercised by the United States, in the manner prescribed in the instrument. Nothing can be clearer than that, under such a system, the federal government, exercising strictly delegated powers, can have no right to act beyond the pale of its authority, and that all such acts are void. A State, on the contrary, retaining all powers not expressly given away, may lawfully act in all cases where she has not voluntarily imposed restrictions on herself. Here then is a case of a compact between sovereigns, and the question arises, what is the remedy for a clear violation of its express terms by one of the parties? And here the plain obvious dictate of common sense, is in strict conformity with the understanding of mankind, and the practice of nations in all analogous cases—"that where resort can be had to no common superior, the parties to the compact must, themselves, be the rightful judges whether the bargain has been pursued or violated." (Madison's Report, p. 20.) When it is insisted by the gentleman that one of the parties "has the power of deciding ultimately and conclusively upon the extent of its own authority," I ask for the grant of such a power. I call upon the gentleman to show it to me in the Constitution. It is not to be found there.

But if there be no common superior, it results from the very nature of things, that the parties *must be their own judges*. This is admitted to be the case where treaties are formed between independent nations, and if the same rule does not apply to the federal compact, it must be because the federal is superior to the State government, or because the States have surrendered their sovereignty. Neither branch of this proposition can be maintained for a moment.

Here, however, we are met by the argument that the Constitution was not formed by *the States*, in their sovereign capacity, but by *the people*, and it is therefore inferred that the federal government, being created by all the people, must be supreme; and though it is not contended that the Constitution may be rightfully violated, yet it is insisted that from the decisions of the federal government there can be no appeal.

I deny that the Constitution was framed by the people in the sense in which that word is used on the other side, and insist that it was framed by the States acting in their sovereign capacity. When, in the preamble of the Constitution, we find the words, "we, the people of the United States," it is clear, they can only relate to the people as citizens of the several States, because the federal government was not then in existence.

We accordingly find, in every part of that instrument, that the people are always spoken of in that sense. Thus, in the second section of the first article, it is declared, "That the House of Representatives shall be composed of members chosen every second year, by the people of the several States." To show that, in entering into this compact, the States acted in their

sovereign capacity, and not merely as parts of one great community, what can be more conclusive than the historical fact, that, when every State had consented to it except one, she was not held to be bound. A majority of the people in any State bound that State, but nine-tenths of all the people of the United States could not bind the people of Rhode Island, until Rhode Island, as a State, had consented to the compact.

I am not disposed to dwell longer on this point, which does appear to my mind to be too clear to admit of controversy. But I will quote from Mr. Madison's report, which goes the whole length in support of the doctrines for which I have contended.

Having now established the position that the Constitution was a compact between sovereign and independent States, having no common superior, "it follows of necessity," (to borrow the language of Mr. Madison,) "that there can be no tribunal above their authority to decide in the last resort, whether the compact made by them be violated; and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

But the gentleman insists that the tribunal provided by the Constitution, for the decision of controversies between the States and the federal government, is the Supreme Court.

It is clear that questions of sovereignty are not the proper subjects of *judicial investigation*. They are much too large, and of too delicate a nature, to be brought within the jurisdiction of a court of justice. Courts, whether supreme or subordinate, are the mere creatures of the sovereign power, designed to expound and carry into effect its sovereign will. No independent State ever yet submitted to a judge on the bench the true construction of a compact between itself and another sovereign. All courts may incidentally take cognizance of treaties, where rights are claimed under them, but who ever heard of a court making an inquiry into the authority of the agents of the high contracting parties to make the treaty—whether its terms had been fulfilled, or whether it had become void, on account of a breach of its conditions on either side? All these are political, and not judicial questions. Some reliance has been placed on those provisions of the Constitution which constitute "one Supreme Court," which provide, "that the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties," and which declare "that the Constitution, and the laws of the United States, *which shall be made in pursuance thereof*, and all treaties, &c., shall be the supreme law of the land," &c. Now, as to the name of the *Supreme Court*, it is clear that the term has relation only to its supremacy over the inferior courts provided for by the Constitution, and has no reference whatever to any supremacy over the sovereign States. The words are, "the judicial



power of the United States shall be vested in one Supreme Court, and such inferior courts as Congress may, from time to time, establish," &c. Though jurisdiction is given "in cases arising under the Constitution," yet it is expressly limited to "cases in law and equity," showing conclusively that this jurisdiction was incidental merely to the ordinary administration of justice, and not intended to touch high questions of conflicting sovereignty. When it is declared that the Constitution and the laws of the United States, "made in pursuance thereof, shall be the supreme law of the land," it is manifest that no indication is given either as to the power of the Supreme Court, to bind the States by its decisions, nor as to the *course to be pursued in the event of laws being passed not in pursuance of the Constitution*. And I beg leave to call gentlemen's attention to the striking fact, that the powers of the Supreme Court in relation to questions arising under "the laws and the Constitution," are co-extensive with those arising under treaties. In all of these cases the power is limited to questions arising in law and equity, that is to say, to cases where jurisdiction is incidentally acquired in the ordinary administration of justice. But as, with regard to treaties, the Supreme Court has never assumed jurisdiction over questions arising between the sovereigns who are parties to it; so under the Constitution, they cannot assume jurisdiction over questions arising between the individual States and the United States.

But to prove, as I think conclusively, that the judiciary were not designed to act as umpires, it is only necessary to observe, that, in a great majority of cases, that court could manifestly not take jurisdiction of the matters in dispute. Whenever it may be designed by the federal government to commit a violation of the Constitution, it can be done, and always will be done in such a manner as to deprive the court of all jurisdiction over the subject. Take the case of the tariff and internal improvements, whether constitutional or unconstitutional, it is admitted that the Supreme Court have no jurisdiction. Suppose Congress should, for the acknowledged purpose of making an equal distribution of the property of the country, among States or individuals, proceed to lay taxes to the amount of \$50,000,000 a year. Could the Supreme Court take cognizance of the act laying the tax, or making the distribution? Certainly not.

Take another case which is very likely to occur. Congress have the *unlimited power of taxation*. Suppose them also to assume an *unlimited power of appropriation*. Appropriations of money are made to establish presses, promote education, build and support churches, create an order of nobility, or for any other unconstitutional object; it is manifest that, in none of these cases, could the constitutionality of the laws making those grants be tested before the Supreme Court. It would be in vain, that a State should come before the judges with an act appropriating money to any of these objects, and ask of the court to decide

whether these grants were constitutional. They could not even be heard; the court would say they had nothing to do with it; and they would say rightly. It is idle, therefore, to talk of the Supreme Court affording any security to the States, in cases where their rights may be violated by the exercise of unconstitutional powers on the part of the federal government. On this subject Mr. Madison, in his report, says: "But it is objected, that the judicial authority is to be regarded as the sole expositor of the Constitution in the last resort; and it may be asked, for what reason the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner."

"On this objection it might be observed, first, that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the judicial department."

But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it.

"However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the Constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the government; not in relation to *the rights of the parties to the constitutional compact*, from which the judicial as well as the other departments, hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others in usurped powers, might subvert forever, and beyond the possible reach of *any rightful remedy*, the very Constitution which all were instituted to preserve."

If, then, the Supreme Court are not, and, from their organization, cannot, be the umpires in questions of conflicting sovereignty, the next point to be considered is, whether Congress themselves possess the right of deciding conclusively on the extent of their own powers. This, I know, is a popular notion, and it is founded on the idea, that as all the States are represented here, nothing can prevail which is not in conformity with the will of the majority—and it is supposed to be a republican maxim, "that the majority must govern."

Now will any one contend that it is the true spirit of this government, that the *will of a majority of Congress* should, in all cases, be *the supreme law*? If no security was intended to be provided for the rights of the States, and the liberty of the citizens, beyond the mere organization of the federal government, we should have had no written Constitution, but Congress would have been authorized to legislate for us, in all cases whatsoever;

and the acts of our State legislatures, like those of the present legislative councils in the territories, would have been subjected to the revision and control of Congress. If the will of a majority of Congress is to be the supreme law of the land, it is clear the Constitution is a dead letter, and has utterly failed of the very object for which it was designed—the protection of the rights of the minority. But when, by the very terms of the compact, strict limitations are imposed on every branch of the federal government, and it is, moreover, expressly declared, that all powers, not granted to them, “are reserved to the States or the people,” with what show of reason can it be contended, that the federal government is to be the exclusive judge of the extent of its own powers? A *written Constitution* was resorted to in this country, as a great experiment, for the purpose of ascertaining how far the rights of a minority could be secured against the encroachments of majorities—often acting under party excitement, and not unfrequently under the influence of strong interests. The moment that Constitution was formed, the will of the majority ceased to be the law, except in cases that should be acknowledged by the parties to it to be *within the Constitution*, and to have been thereby submitted to their will. But when Congress (exercising a delegated and strictly limited authority) pass beyond these limits, their acts become null and void; and must be declared to be so by the courts, in cases within their jurisdiction; and may be pronounced to be so, by the States themselves, in cases not within the jurisdiction of the courts, of *sufficient importance to justify such an inference*.

But what then? asks the gentleman. A State is brought into collision with the United States, in relation to the exercise of unconstitutional powers: who is to decide between them? Sir, it is the common case of difference of opinion between sovereigns, as to the true construction of a compact. Does such a difference of opinion necessarily produce war? No. And if not, among rival nations, why should it do so among friendly States? In all such cases, some mode must be devised by mutual agreement, for settling the difficulty: and most happily for us, that mode is clearly indicated in the Constitution itself, and results indeed from the very form and structure of the government. The creating power is three-fourths of the States. By their decision, the parties to the compact have agreed to be bound, even to the extent of changing the entire form of the government itself; and it follows of necessity, that in case of a deliberate and settled difference of opinion between the parties to the compact, as to the extent of the powers of either, resort must be had to their common superior—(that power which may give any character to the Constitution they may think proper)—viz: three-fourths of the States.

But it has been asked, why not compel a State, objecting to the constitutionality of a law, to appeal to her sister States, by a

proposition to amend the Constitution? I answer, because, such a course would, in the first instance, admit the exercise of an unconstitutional authority, which the States are not bound to submit to, even for a day, and because it would be absurd to suppose that any redress would ever be obtained by such an appeal, even if a State were at liberty to make it. If a majority of both Houses of Congress should, from any motive, be induced deliberately, to exercise "powers not granted," what prospect would there be of "arresting the progress of the evil," by a vote of three-fourths? But the Constitution does not permit a minority to submit to the people a proposition for an amendment of the Constitution. Such a proposition can only come from "two-thirds of the two Houses of Congress, or the legislatures of two-thirds of the States." It will be seen therefore, at once, that a minority, whose constitutional rights are violated, can have no redress by an amendment of the Constitution. When any State is brought into direct collision with the federal government, in the case of an attempt, by the latter, to exercise unconstitutional powers, the appeal must be made by Congress, (the party proposing to exert the disputed power,) in order to have it expressly conferred, and, until so conferred, the exercise of such authority must be suspended. Even in cases of doubt, such an appeal is due to the peace and harmony of the government. On this subject our present chief magistrate, in his opening message to Congress, says: "I regard *an appeal to the source of power*, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among *the most sacred of all our obligations*. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to *written Constitutions*. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting, to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind, I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fail."

I have already shown, that it has been fully recognized by the Virginia resolutions of '98, and by Mr. Madison's report on these resolutions, that it is not only "the right, but the duty of the States," to "judge of infractions of the Constitution," and "to

interpose for *maintaining within their limits the authorities, rights, and liberties, appertaining to them.*"

Mr. Jefferson, on various occasions, expressed himself in language equally strong. In the Kentucky resolutions of '98, prepared by him, it is declared that the federal government "was not made the exclusive and final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers, but that, as in all other cases of compact among parties having no common judge, each party has an equal right to *judge for itself, as well of infractions as the mode and measure of redress.*"

In the Kentucky resolutions of '99, it is even more explicitly declared, "that the several States which formed the Constitution, being sovereign and independent, have the unquestionable right to *judge of its infraction*, and that a *nullification* by those sovereignties of all unauthorized acts done under color of that instrument, is *the rightful remedy.*"

But the gentleman says, this right will be dangerous. Sir, I insist, that of all the checks that have been provided by the Constitution, this is by far the safest, and the least liable to abuse.

But there is one point of view, in which this matter presents itself to my mind with irresistible force. The Supreme Court, it is admitted, may nullify an act of Congress, by declaring it to be unconstitutional. Can Congress, after such a nullification, proceed to enforce the law, even if they should differ in opinion from the court? What then would be the effect of such a decision? And what would be the remedy in such a case? Congress would be *arrested in the exercise of the disputed power*, and the only remedy would be, *an appeal to the creating power*, three-fourths of the States, for an amendment to the Constitution. And by whom must such an appeal be made? It must be made by the party proposing to exercise the disputed power. Now I will ask, whether a sovereign State may not be safely entrusted with the exercise of a power, operating merely as a check, which is admitted to belong to the Supreme Court, and which may be exercised every day, by any three of its members. Sir, no ideas that can be formed of arbitrary power on the one hand, and abject dependence on the other, can be carried further, than to suppose, that three individuals, mere men, "subject to like passions with ourselves," may be safely entrusted with the power to nullify an act of Congress, because they conceive it to be unconstitutional; but that a sovereign and independent State, even the great State of New York, is bound, implicitly, to submit to its operation, even where it violates, in the grossest manner, her own rights, or the liberties of her citizens. But we do not contend that a common case would justify the interposition.

This is "the extreme medicine of the State," and cannot become our daily bread.

Mr. Madison, in his report says, "it does not follow, however, that because the States, as sovereign parties to their constitu-

tional compact, must ultimately decide whether it has been violated, that such a decision ought to be interposed, either in a hasty manner, or on doubtful and inferior occasions.

"The resolution has, accordingly, guarded against any misapprehension of its object, by expressly requiring, for such an interposition, 'the case of a deliberate, palpable, and dangerous breach of the Constitution, by the exercise of powers not granted by it.'

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies *the object of the interposition* which it contemplates to be solely that of *arresting the progress of the evil of usurpation*, and of maintaining the authorities, rights, and liberties appertaining to the States, as parties to the Constitution."

No one can read this, without perceiving that Mr. Madison goes the whole length, in support of the principles for which I have been contending.

The gentleman has called upon us to carry out our scheme *practically*. Now, sir, if I am correct in my view of this matter, then it follows, of course, that the right of a State being established, the federal government is *bound to acquiesce* in a solemn decision of a State, acting in its sovereign capacity, at least so far as to make an appeal to the people for an amendment of the Constitution. This solemn decision of a State, (made either through its legislature or a Convention, as may be supposed to be the proper organ of its sovereign will—a point I do not propose now to discuss,) binds the federal government under the highest constitutional obligation, not to resort to any means of coercion against the citizens of the dissenting State. How then can any collision ensue between the federal and State governments, unless, indeed, the former should determine to enforce the law by unconstitutional means?

Sir, I will put the case home to the gentleman. Is there any violation of the constitutional rights of the States, and the liberties of the citizens, (sanctioned by Congress and the Supreme Court,) which he would believe it to be the right and duty of a State to resist? Does he contend for the doctrine "of passive obedience and non-resistance? Would he justify an open resistance to an Act of Congress sanctioned by the Courts, which should abolish the trial by jury, or destroy the freedom of religion, or the freedom of the press? Yes, sir, he would advocate resistance in such cases; and so would I, and so would all of us. But such resistance would, according to his doctrine, be *revolution*: it would be *rebellion*. According to my opinion it would be just, legal, and *constitutional resistance*. The whole difference between us, then, consists in this: the gentleman would make force the only arbiter in all cases of collision between the States and the federal government. I would resort to a peaceful remedy—the interposition of the State to "arrest the

progress of the evil," until such times as "a convention, (assembled at the call of Congress or two-thirds of the several States,) shall decide to which they mean to give an authority claimed by two of their organs." Sir, I say with Mr. Jefferson, (whose words I have here borrowed,) that "it is the peculiar wisdom and felicity of our Constitution, to have provided this *peaceable appeal*, where that of other nations," (and I may add that of the gentleman,) "is at once *to force*." \* \* \*

Mr. WEBSTER (in some closing remarks said): A few words on the constitutional argument, which the honorable gentleman (Mr. Hayne) labored to reconstruct.

His argument consists of two propositions, and an inference. His propositions are—1. That the Constitution is a compact between the States. 2. That a compact between two, with authority reserved to *one* to interpret its terms, would be a surrender to that one, of all power whatever. 3. Therefore, (such is his inference,) the General Government does not possess the authority to construe its own powers.

Now, sir, who does not see, without the aid of exposition or detection, the utter confusion of ideas, involved in this, so elaborate and systematic argument?

The Constitution, it is said, is a compact *between States*: the States, then, and the States only, *are parties to the compact*. How comes the general government itself *a party*? Upon the honorable gentleman's hypothesis, the general government is the result of the compact, the creatures of the compact, not one of the parties to it. Yet the argument, as the gentleman has now stated it, makes the government itself one of its own creators. It makes it a party to that compact to which it owes its own existence.

For the purpose of erecting the Constitution on the basis of a compact, the gentleman considers the States as parties to that compact; but as soon as his compact is made, then he chooses to consider the general government, which is the offspring of that compact, not its offspring, but one of its parties; and so, being a party, has not the power of judging on the terms of compact.

If the whole of the gentleman's main proposition were conceded to him, that is to say—if I admit for the sake of the argument, that the Constitution is a compact between States, the inferences, which he draws from that proposition, are warranted by no just reason. Because, if the Constitution be a compact between States, still, that Constitution, or that compact, has established a government, with certain powers; and whether it be one of those powers, that it shall construe and interpret for itself, the terms of the compact, in doubtful cases, can only be decided by looking to the compact, and inquiring what provisions it contains on this point. Without any inconsistency with natural reason, the government, even thus created, might be trusted with this power of construction. The extent of its powers, therefore, must still be sought for in the instrument itself.

If the old confederation had contained a clause, declaring that resolutions of the Congress should be the supreme law of the land, any State law or Constitution to the contrary notwithstanding, and that a committee of Congress, or any other body created by it, should possess judicial powers, extending to all cases arising under resolutions of Congress, then the power of ultimate decision would have been vested in Congress, under the confederation, although that confederation was a compact between States; and, for this plain reason: that it would have been competent to the States, who alone were parties to the compact, to agree, who should decide, in cases of dispute arising on the construction of the compact.

For the same reason, sir, if I were now to concede to the gentleman his principal propositions, viz: that the Constitution is a compact between States, the question would still be, what provision is made, in this compact, to settle points of disputed construction, or contested power, that shall come into controversy? and this question would still be answered, and conclusively answered, by the Constitution itself. While the gentleman is contending against construction, he himself is setting up the most loose and dangerous construction. The Constitution declares, that *the laws of Congress shall be the supreme law of the land.*—No construction is necessary here. It declares, also, with equal plainness and precision, that *the judicial power of the United States shall extend to every case arising under the laws of Congress.* This needs no construction. Here is a law, then, which is declared to be supreme; and here is a power established, which is to interpret that law. Now, sir, how has the gentlemen met this? Suppose the Constitution to be a compact, yet here are its terms and how does the gentleman get rid of them? He cannot argue the *seal off the bond*, nor the words out of the instrument. Here they are—what answer does he give to them? None in the world, sir, except, that the effect of this would be to place the States in a condition of inferiority; and because it results, from the very nature of things, there being no superior, that the parties must be their own judges. Thus closely and cogently does the honorable gentleman reason on the words of the Constitution. The gentleman says, if there be such a power of final decision in the general government, he asks for the grant of that power. Well, sir, I show him the grant—I turn him to the very words—I show him that the laws of Congress are made supreme; and that the judicial power extends, by express words, to the interpretation of these laws. Instead of answering this, he retreats into the general reflection, that it must result *from the nature of things*, that the States, being the parties, must judge for themselves.

I have admitted, that, if the Constitution were to be considered as the creature of the State Governments, it might be modified, interpreted, or construed, according to their pleasure. But, even in that case, it would be necessary that they should *agree*. One, alone, could not interpret it conclusively; one, alone, could not



construe it; one alone, could not modify it. Yet the gentleman's doctrine is, that Carolina, alone, may construe and interpret that compact which equally binds all, and gives equal rights to all.

So then, sir, even supposing the Constitution to be a compact between the States, the gentleman's doctrine, nevertheless, is not maintainable; because, first, the general government is not a party to that compact, but a *Government* established by it, and vested by it with the powers of trying and deciding doubtful questions; and, secondly, because, if the Constitution be regarded as a compact, not one State only, but all the States, are parties to that compact, and one can have no right to fix upon it her own peculiar construction.

So much, sir, for the argument, even if the premises of the gentleman were granted, or could be proved. But, sir, the gentleman has failed to maintain his leading proposition. He has not shown, it cannot be shown, that the Constitution is a compact between State governments. The Constitution itself, in its very front, refutes that proposition: it declares that it is ordained and established *by the People of the United States*. So far from saying that it is established by the governments of the several States, it does not even say that it is established by the People *of the several States*: but it pronounces that it is established by the People of the United States, in the aggregate. The gentleman says, it must mean no more than that the People of the several States, taken collectively, constitute the People of the United States; be it so, but it is in this, their collective capacity, it is as all the People of the United States, that they establish the Constitution. So they declare; and words cannot be plainer than the words used.

When the gentleman says, the Constitution is a compact between the States, he uses language exactly applicable to the old confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The confederation was, in strictness, a compact; the States, as States, were parties to it. We had no other general government. But that was found insufficient, and inadequate to the public exigencies. The people were not satisfied with it, and undertook to establish a better. They undertook to form a general government, which should stand on a new basis—not a confederacy, not a league, not a compact between States, but a *Constitution*: a popular government, founded in popular election, directly responsible to the people themselves, and divided into branches, with prescribed limits of power, and prescribed duties. They ordained such a government: they gave it the name of a *Constitution*, and therein they established a distribution of powers between this, their general government, and their several State governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the general government and on the States.

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